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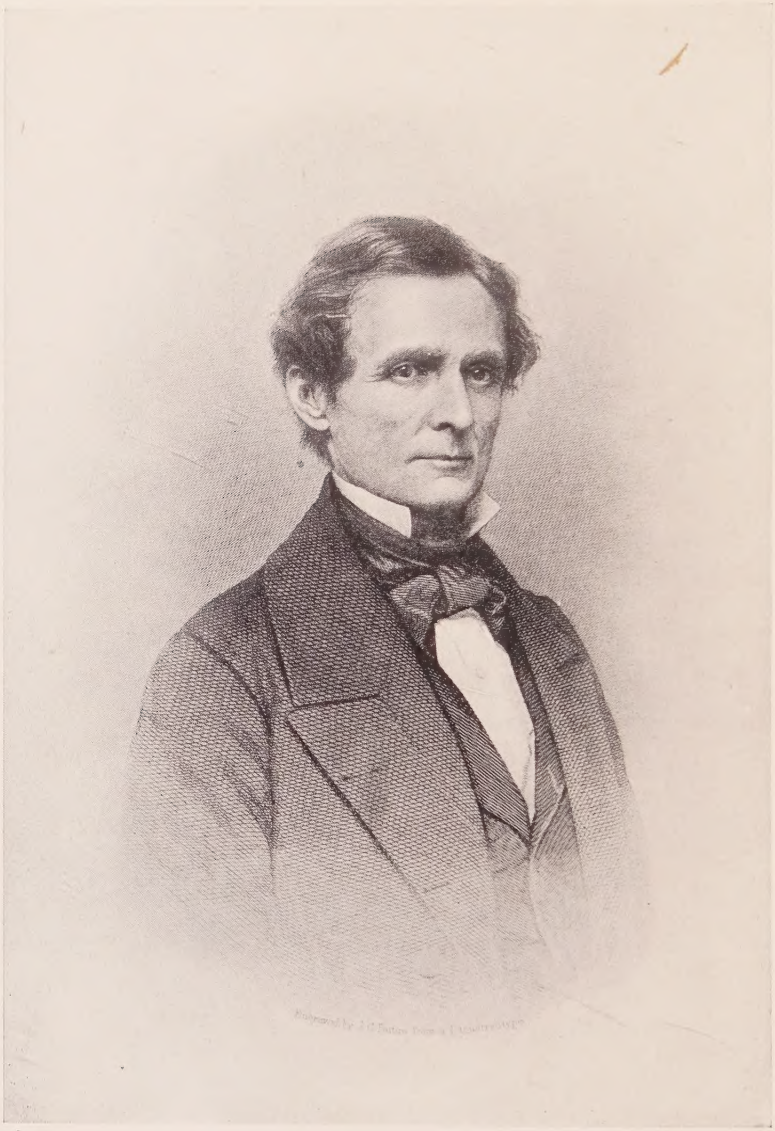
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Jefferson Davis.

AT THE AGE OF FORTY-EIGHT YEARS

JEFFERSON DAVIS

CONSTITUTIONALIST

HIS LETTERS, PAPERS AND SPEECHES

COLLECTED AND EDITED BY

DUNBAR ROWLAND, LL.D.

DIRECTOR OF THE DEPARTMENT OF ARCHIVES AND HISTORY
OF THE STATE OF MISSISSIPPI, SECRETARY
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JEFFERSON DAVIS, CONSTITUTIONALIST
HIS LETTERS, PAPERS AND SPEECHES

Jefferson Davis to Winfield Scott.

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
Washington Feby 29, 1856.

Brevet Lieut. Genl. Winfield Scott,
New York City,
Sir,

I received, on the 7' instant, your letter dated January 31', and proceed to notice its contents.

You have persisted in making your letters official, and have thus forced upon me the obligation to receive them, and to reply in such terms as seemed to me appropriate to the baseless accusations which derive their only importance from the high station you occupy. Considering it a public duty to repel the undeserved censure you have cast upon the administration of the Department over which it is my fortune to preside, I have endeavored effectively to discharge it, and as when vindicating my personal reputation have not sought to conceal the indignation which your gratuitous and monstrous calumnies could not fail to excite.

In your last production there are many charges which are either so indefinite in their nature, or conveyed in such general terms that they cannot be answered otherwise than by pronouncing them false and defying you to proof or specifications. In the first paragraph of your letter you say I have exhibited a recklessness which "could only proceed from one whose low ambition is flattered with "the title of *The Favorite,* and who "relying on the strength of that position (of course assumed "without warrant) has, so far, wounded with impunity the feel-"ings of many of the officers who have, in person, or by letter, "transacted business with him, and trampled on the rights of "scores of others." This statement involves such contradictions

that it could not have been offered for belief, but must have been intended for some ulterior object, to which its truth was not essential. That any one should assume without warrant to be favorite of another, and rely on the strength of that position (i. e. on the favor *not* possessed) to do acts which he otherwise would not venture to perform is a proposition which refutes itself, and does discredit to your fabricating talent. Like your suggestion in an earlier letter, that through the representations of beneficiaries and sycophants I sought the reputation of controling the President, it is, palpably, but a paltry attempt to excite the feeling, and in this way obtain the favor of the high officer referred to.

Another instance of your capacity in the same breath to beg for sympathy and utter slander, is your accusation that I have endeavored "to provoke a duel with an old soldier known to "be so lame in both arms as to write with difficulty and pain." Those ignorant of the fact that the great disability of which you complain was the result of a fall upon the pavement in New York, would naturally infer from the introduction of the phrase "old soldier" that you were by wounds received in battle disqualified for self defence, and every generous heart that believed your assertion would visit with indignant censure the unmanly attempt to involve a wounded veteran in personal combat. But no such purpose was entertained. You had given notice to the world that you would not act upon the sentiment which makes a gentleman responsible to any one whom he assails, when in the vigor of manhood you pleaded a "sense of religion" and "patriotic scruples," as reasons for not answering to the personal defiance of an aggrieved officer, your superior in military rank, and infinitely above you in every respect, and it was not to be supposed that you would at this time take different ground. But no disability, no age, no plea of conscientious scruples can be admitted to shield the slanderer from rebuke, and when you gratuitously imputed to me motives injurious and offensive to me as a man, I addressed to you an unofficial note and fixed on you the brand of falsehood which you vainly endeavor to wash away with your unfailing flood of abusive epithets.

The only new charge you make so specific as to be met by facts, is that I forced General Hitchcock from the service. This is among the most extraordinary of your many surprising fictions. To refute it, I need only state the facts of the case. General Hitchcock's regiment being ordered on distant service under such circumstances that you announced to me your determination not to grant leave of absence to any of its officers; you

nevertheless gave him leave of absence for four months. This act was disapproved and you were required to revoke the leave. You disobeyed the order, and General Hitchcock remained at St. Louis till his leave expired. Three weeks before its expiration he wrote to you requesting an extension of his leave. This extension you had no power to grant, but if you approved the application, your course was to forward it to this Department; instead of which you informed him that his leave would not be extended. On the expiration of his leave (October 6) General Hitchcock forwarded to you his resignation, which was transmitted by you to this Department and accepted. His application for the extension of his leave having been withheld by you until the 8' of October, the Department had no means of knowing that he desired such extension, and when it was received here the endorsements on it showed that you had refused the request twenty days before. His resignation was the first information I had that he was not on his way to his post. Under this state of facts you venture the assertion that I forced General Hitchcock from the army.

I must here state a fact connected with this subject which has not heretofore been noticed. In answer to a letter which I addressed to you on the 17' of September inquiring whether you had revoked the leave granted General Hitchcock, you reported by letter dated the 19' of September in these words "I have not revoked the leave of absence granted to Brevet Brigadier General "Hitchcock, because, among other reasons, which I shall give you "as soon as my health will permit—that it was supposed he was "in route early this month in order to reach his post, Fort "Pierre, by the 6' proximo, the day on which his leave will ex-"pire." At the time of writing this report you knew General Hitchcock was in St. Louis. You had just received a letter from him dated at that place, which required a reply, and the day before your report to me you had replied by letter addressed to him there, through the mail, as well as by a telegraphic dispatch. If it were deemed proper to bring you to trial on charges embodying these facts, it would require all the mercy which your long and brilliant military service could claim to save you from dismissal from the army.

I find you still harping on your money claims, and attempting to justify your conduct, with pretexts so flimsy as scarcely to require notice. Even if unfettered by law, as you assume, in the disposal of the money levied by you in Mexico, you surely cannot believe you observed any rules regulating the division of prize money or spoils in any army, ancient or modern. You

give a portion to the families of four of the slain, you take thrice that portion for yourself, and there the distribution stops. Did ever "the general in chief of a republican Greek army," the like of this? Or is it warranted by the ducal precedent you cite? Again, did "the Duke" apportion the money himself, or was it decided by the laws of his country that he should have 2000 where the Colonels had 150? You know very well that if you had left the question to be thus decided, the judgment would not have been that you should have 6400 and the Colonels *nothing.*

You attempt to make a display of generosity to the private soldiers, by citing the provision of extra clothing, of extra hospital comforts for the wounded &c made by your order from the money thus raised. The soldiers were entitled by law and regulation to all necessary clothing, medical attendance, and hospital comforts; whatever of these you deemed necessary for them, you were authorized to order and pay for out of the millions appropriated by Congress for carrying on the war. The appropriations were as much for these objects as for subsistence and munitions, and it is the merest pretence for you to claim that such provision for the wounded and destitute was due to your generosity.

I know not in what terms to deal with the pretexts you put forward for deferring to settle those accounts, so long after the passage of the act providing for such settlement. You say you refused to acknowledge the authority of that Act over your accounts, because it would cut you off from credit for the large sums expended for extra clothing, and extra hospital comforts &c for the enlisted men—not one of which you say could have been admitted had you allowed those sums to be considered as treasury money. I need not state for your information that those sums were treated as treasury, and credit was given you under the Act in question, which made a two fold provision for it. 1st in the first section authorizing the Department to give credit for any expenditures made from the military contribution fund, and 2^{d} in the fourth section by authorizing the Department to charge to that fund any expenditures for necessary and proper objects, &c 9 Stat. 412. The only portion of your account which could not have been passed under that Act, was your per centage which, had a settlement been made, you would have been called on to refund. You had therefore an obvious pecuniary interest in keeping the account open until the act could be amended so as to authorize the allowance of the per centage. Such an amendment was effected in the Army Appropriation Act of 1852,

but in the mean time you had drawn money from Captain Clark which the last act would not cover, and postponement was still your policy. In reference to your last draft on Capt. Clark which you persist in saying was paid out of a portion of the contribution fund which had never been in the Treasury, I may as well state here that Capt Clark had then no part of that fund in his hands, and your draft was paid out of the Quartermaster's funds.

As to your argument against what you denominate levelling, and which, true to your instincts, you consider a mere question of money, I have only to say it bears no relation to any thing which has been presented by me. I have raised no issue as to your right to receive whatever the law allows you, and have only examined your demands for money to see whether they were authorized by law. An officer should receive whatever the law provides, neither more nor less.

I have no disposition to discuss the particulars of the offense of which you were convicted by a court martial in withholding their pay from the men of your company. What you now allege in extenuation was, no doubt, urged in your defence before the Court, and their finding and sentence show what estimate they put upon it.

You say I designedly gave the impression that the original court martial proceedings in your case alone had mysteriously disappeared, and that I cunningly suppressed the fact that the original proceedings of all Courts Martial prior to 1811 also had been lost. No such impression is deducible from that letter. I stated that the original proceedings were lost, and that your conduct showed you knew the fact, and were ignorant of the existence of a copy of the record. When you asserted that you were "fully acquitted by the Court," and discredited Wilkinson's memoirs which you assumed to be my sole authority, it was a natural inference that you were ignorant of the existence of a copy of your trial which, if discovered, would disprove your assertion and relieve your old general, now in the grave, from the reflection you had thrown upon him. The fact that all proceedings prior to 1811 were lost, had no relation to the view then presented, and, if stated, would not have varied the conclusion, except in so far as it would have increased the probability that you knew of the loss of those in your own case. As you have attempted to explain how these proceedings "mysteriously dis-"appeared," to adopt your own phrase, by suggesting that they were destroyed by the burning of the War office in 1814, I have to inform you that the replies of the Department to the repeated

applications of General Wilkinson for a copy of these proceedings, indicate that they were on file in the War office as late as September 1815. You were entitled by law to a copy of these proceedings, and if you believed they would disprove the statement of General Wilkinson, which now so much excites your anger it is to be remarked that you did not then display the zeal you have since manifested in obtaining copies of papers in a case where money not character were at stake.

It is not however by inviting such a discussion that you are to escape from the issue you made. The gravamen of your charge against me was that you had been "fully acquitted by the Court" and that it was dishonorable therefore to refer to the subject. The record to which you appealed against the statement in Wilkinson's memoirs, showed that you were not acquitted; but were convicted and sentenced, as heretofore stated. It is certainly wrong to revive against an innocent man a charge of which he has been acquitted. Neither is it justifiable, wantonly to remind the guilty of his past offences; but if presuming too far upon such forbearance he attack the reputation of honorable men with aspersions so vague that they cannot be disproved, it is proper to produce the record of his guilt, and shame him into silence.

An officer who commenced his career by withholding the money placed in his hands for the pay of his men; who being invited to draft for the President's signature, instructions for the performance of an important duty, drafted by an undetected provision therein several thousand dollars into his own pocket; who, at the head of a victorious army, levied a contribution upon a captured city, in lieu of pillage, and to himself alone of all its gallant leaders, awarded any portion of the money; who availed himself of a temporary appointment to an office of trust, to pay himself a suspended and groundless claim—should not have cast the first stone, even at a culprit; but if such a one assails the unsullied character either of veteran officers or those newly appointed to the military service, his audacity requires the chastisement of exposure.

You profess to think it is catching at straws to examine and disprove your representations that your note to Mr. Foote in regard to your brevet pay changed several votes. Slight circumstances judiciously feigned, and artfully thrown around false assertions, lend them an air of truth which is well calculated to prevent inquiry. The adventurous assertor seems to give bond for his truth in the penalty of being found guilty of many falsehoods if he fail in the one essential fact, and so rare is it to

find one who wilfully incurs such deepened guilt, that, as is well known, no form of imposture is more successful than this. If such devices may be used with impunity to influence opinions as to the legality of a money claim upon the Treasury, you must be aware that misrepresentations of facts made in order to obtain money from individuals, are apt, when detected, to come under the cognizance of grand juries, and involve disagreeable consequences.

Not having fairness enough to retract your assertion in regard to that note having changed several votes, you endeavor to sustain it by citing the votes of Senators Cass and Gwin. Now the votes of these senators in favor of the bill were not only "subsequent," and therefore could not have been those of which you were assured "at the time," but, according to your history of the bill, they were given nearly two years after the event in question, and if General Cass was, in truth, as you assert, converted to the support of the bill by the knowledge that it would grant you money, he used most extraordinary language before giving the vote that marked his conversion, for he then said (Cong Globe p. 106) *"I trust I shall never live to see the day when "any pecuniary rewards will be conferred on military men ex- "cept pensions for injuries actually sustained in the line of their "duty, agreeably to our present system."*

Not less unfortunate than all your other attempts to prove the intentions of Congress to grant you money, is your reference to the debate in the Senate in December 1853. You give a brief extract from a letter written by General Shields to show what he said on that occasion; not having the whole letter before me, I prefer to rely on General Shields' statements as reported in the published record of debates (Cong. Globe p. 82) which were as follows:

"*Mr. Pettit* x x x Will this rank confer greater emoluments "or greater pay on General Scott?
"*Mr. Shields.* I am free to say that it is my intention and wish "that it should.
"*Mr. Pettit.* That would be an inducement for me to vote for it. "But I wish to ask a further question.
"*Mr. Shields.* I will reply to this first. That is a matter within "the discretion of the President of the United States. *No brevet "confers pay of itself.* It is merely intended as a high honor- "able military compliment for gallant services. But *if the "President of the United States assigns a man to a command "proportioned to his brevet rank, then he is entitled to pay ac- "cording to that rank, and in no other case, so that it will depend "upon the President of the United States."*

I am not informed how far you were consulted as to the grounds to be taken in the Senate by the friends of the bill, particularly by him who introduced it, and urged it to its final passage. But you have elsewhere argued that the bill was in effect "a joint resolution for the relief (or indemnity) of Major General Scott," and whether consulted or not, most men would have held themselves bound by representations made by a friend in order to procure the passage of an act for their benefit. According to these representations you could obtain no pay without a previous assignment to duty by the President, and as your pay would run only during such assignment, the idea of back pay was by necessary implication excluded. But no sooner was the rank conferred than you claimed an increased rate of pay and arrears for seven years as due you by law, independent of any act of the President, and this is the claim which you have succeed in having allowed, and which you bring General Shields' letter to prove was known to, and sanctioned by the Senate.

You say I referred to the Attorney General but one of four questions affecting your allowances, and to be certain of revenge, retained in my own hands and decided against you the other three. Here you state false premises and impute to me bad motives. I referred no question to the Attorney General for decision, but asked his opinion whether there was any law fixing the pay and allowances of a Lieutenant General. I made no decision in the case, but after receiving the opinion of the Attorney General, I submitted, in a written communication the questions which had been raised by you, together with all the papers in the case to the President for a decision, which he gave in writing, as you well knew when you made your unfounded accusation, a copy of his decision having been forwarded to you by the Paymaster General, and under it you have drawn all the money you have received in virtue of the law in question.

I must here notice your renewed charge of *secret* hostility to this claim. You asserted that on enquiry at the War Office you found I had left on record no trace of my remarks submitting your claim to the Attorney General. To this I replied that the press copy was retained as usual and handed to the chief clerk, and was in his possession when you called for a copy. You dispute this as follows: "Your substitute and clerks, after search, "assured my Aide de Camp that no trace of the paper could be "found (June 6) in the War Office." As you change the form of the statement, and now represent the answer to have been given to your Aide-de-Camp, I have made due inquiry, for I was absent from the seat of Government at the time, and learn that

no such assurance as you aver, was given, that you were the only person who inquired at this office for the paper, which was promptly furnished as already stated. If any additional evidence were needed to show the incorrectness of your statement that no trace of the paper was left on the records of the War office, it would be found in the letter to the Attorney General, dated April 26, 1855, and recorded at the time, which enclosed that paper to him. You ask why was not a copy sent you at the time it was communicated to the Attorney General. I answer that I was under no obligation, personal or official, to do so. The head of a Department is not expected to keep individuals advised of his proceedings in regard to their claims, still less to furnish them copies of the papers he writes to ask advice or elicit facts. But, voluntarily, and as a special courtesy I informed you that your claim had been referred for the opinion of the Attorney General; that my views were unfavorable, and that I had informed him that you wished to be heard on the subject. This was as much as I thought it proper to communicate to you, and it is more, I believe, than was ever before conceded by this Department to any claimant.

But it is useless to pursue the subject. The simple facts are that by personal solicitation, of a kind which would deprive such a compliment of all value to a man worthy to receive it, you procured the passage of a resolution, intended, as the debates cited show, to confer a military honor for service rendered; but couched beneath the form of a compliment was a certain force of technical words which has been decided, as you are well aware, against my opinion, to entitle you to certain allowance of money. Your object is accomplished, and no exposure of the means by which it was attained will diminish your mercenary enjoyment.

I have but one more reference to make to the past. You say you know the courtesies you acknowledged to have received from me, when settling your accounts, were commanded by the President. This is false, but if true it would only set your insincerity in a stronger light, and prove beyond doubt the emptiness of the expressions employed by you on that occasion. A sincere manifestation of good will from any source should be sacred, but I understood your character too well to believe that those which I throw back to you in contempt were felt, even at the moment when they were offered. You have charged me with having committed aggressions upon you long before the acknowledgement in question was written, and if there be any truth in the charges, the injury could not have then been forgotten. There is no question in my mind that you wrote the acknowledgement

in the hope of procuring the allowance of more per centage, and I know of no prostitution of feeling baser than that which would offer up a just resentment, or one believed to be just, for pecuniary gain.

Your petulance, characteristic egotism and recklessness of accusation have imposed on me the task of unveiling some of your deformities. To do this I have been compelled to draw from some portions of your history not written by yourself, and if I have succeeded in making you see yourself as others see you, it may prove a useful service to my successors in relieving them from the annoyances to which I and my predecessors have been exposed in their official connection with you.

I now leave the subject in your hands. You have declared your purpose to make my part of this correspondence a memorable example to be shunned by my successors. What application you will make of your share in it, you have not informed me. If it be designed to commend your example to your successors, I trust the means you have chosen will not contribute to the end, as it is sincerely to be hoped that those who follow you in the honorable profession in which you have been eminent, notwithstanding your fame has been clouded by grovelling vices, will select for their imitation some other model than one whose miliary career has been marked by querulousness, insubordination, greed of lucre and want of truth.

Very respectfully Yr obt Serv
JEFFN DAVIS Sec of War

Jefferson Davis to Hamilton Fish.

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
Washington March 11, 1856

Hon. Hamilton Fish
U. S. Senate,
Sir

I had the honor, last evening to receive your letter of yesterday's date, in reference to the commencement of a fortification on Sandy Hook, and to reply that I did not intend to express a disapprobation of the proposition to construct such a work. I considered it of secondary importance to the completion of the works at the Narrows and Throg's Neck, and that though it would have other advantages, it would not prevent an attack upon the city of New York by a hostile fleet. The proposed

work on Sandy Hook could not, even for the purposes for which it would be effective, become available for several years, and should not, therefore, in my opinion, be permitted to delay the completion of those which belong to the interior line of defence, and which are far more important for the defence of the city.

If it be the pleasure of Congress, in addition to other needful works to make an appropriation for the commencement of this, I should, for the reasons set forth in my report of the 1' instant, communicated to the Senate in answer to a resolution of enquiry, hold it to be desirable that the work should be commenced as the first on the exterior line of defence therein described as covering the outer anchorage and approaches to the harbor of New York. My principal anxiety has been to complete the line upon which so much money has already been expended, and to avoid any hazard or delay in the attainment of this object, which I feared might result from dividing attention between interior and exterior line of works. One strong line being unquestionably better than two weak ones.

Very respectfully Your Obt Serv
JEFFN DAVIS
Secretary of War

Winfield Scott to Jefferson Davis.

(From Letter Books Secretary of War Old Records Division War Department.)

Head-Quarters of the Army,
New York, March 20, 1856.

Sir:

Your letter of the 28th ultimo, (before me) is another heavy folio of "more last words"; of new examples in chicanery & tergiversation; of prodigality in assertion & utter penury in proofs & probabilities. Some of those ingenious perpetrations demand a passing notice.

January 31, I said, parenthetically, that you had forced Genl. Hitchcock out of the Army. "This (you now reply) is one of your (my) many surprising fictions." Let us see.

September 11, he asked for an extension of his four months' leave of absence that I had given him, & which led to this particular correspondence, beginning with you, July 12. The application, on its face, was founded on the same urgent reasons (the care of orphans) alluded to in my letter to you of July 17. The extension I could not grant, for you had, recently, on an allega-

tion that I (September 29) proved to be false—limited my power to four months, &, certainly, it seemed useless to refer the application to you as I was, at the very moment, under instructions from you to revoke the remainder of the leave that I had originally granted. To save him time, I, accordingly, informed Genl. H. that no extension would be granted. His letter, so indorsed, by me (Octr. 8) was submitted to you. Eight days later, I forwarded the tender (dated Octr. 6) of his commission in the Army, which you eagerly accepted, without allowing a single day's grace to the meritorious veteran! His two letters, entire, were before you; you saw the force of his reasons, &, in his second letter (October 6) you read this paragraph:—

"I might state many reasons for coming to this determination (the sacrifice of his commission) besides the difficulty, if not *impossibility* of reaching Fort Pierre at this season of the year; *but I presume, it is unnecessary.*"

Genl. H. knew into whose vindictive hands he had fallen, for he could but remember, among other things, the fate of an application he had made November 16, 1853. He, at the time, as brevet brigadier general, commanded the Pacific Department, having the 2d. Infantry, of which he was Colonel, with him. The men of his regiment had just been transferred to the other corps on the Pacific, & its officers ordered to the East to recruit it anew. Anticipating that he would be relieved in the command of that Department (which soon happened) he, in advance, requested, in such event, to be permitted to proceed to Washington *via* China, India, the overland route and Europe, while his captains & lieutenants, dispersed, were engaged in refilling their companies under their lieutenant colonel, who chanced to be, for the period, as he knew, the superintendent of the general recruiting service. The application was strongly supported by me; but it was soon returned, with this sharp indorsement—"not granted, Jeffn Davis"! If the President could be made acquainted with a tenth of the cases in which you have punished or rewarded officers, in his name, according to your own low prejudices & partialities, it cannot be doubted that the power of inflicting such right & left hand injuries upon the service would, in some way, be stopped for the future.

You seem to charge that, in writing to you, September 19, that I, from some sinister motive, withheld the fact that Genl. H. was, at the time, in Saint Louis; & you speculate malignantly, on my probable difficulties before a Court Martial if arraigned for the suppression. The imputation is too silly for anything but contempt.

You complain that in my letter of January 31, I am "still harping on your (my) money claims", alluding to the per-centage or commission on certain monies collected &c in Mexico, & claimed by me as special indemnity for my trouble, loss & risk, in the matter & which *indemnity,* by one of your usual tricks, you, in this place, treat as *prize-money* or *spoils,* in order to show that I ought to have distributed due proportions among my brother officers. The whole amount of indemnity claimed by me was about $11,000. You state it, I think, at $6,400, & keep entirely out of view that many other officers have been allowed commission-money for like services connected with Mexican contributions.

But who first, to borrow your phrase, *harped upon* this claim? It was most wantonly, gratuitously & maliciously introduced in your letter to me of September 7, & triumphantly met—that is, explained & justified, in my reply of the 29th of the same month. You returned to the charge, December 20, &, in my next reply (Jan. 31,) I supposed I had silenced you forever; but I was mistaken:—I had only convicted you of a base slander in the matter, & hence you cannot afford to be silent, but (February 29—in the letter before me—) *harp,* a third time, on the same string, with new variations: 1. That the sum, $6,400, was prize-money, & *not* per centage or indemnity—a point that I have just noticed; 2. That a part of the per centage, in question—the amount I received back from Captain Clark, Feb. 8, 1855—was *not* Mexican contribution money, as I had asserted in my letters of September 29 & January 31—but, as you now, for the first time say—"Captain Clark had then no part of that fund in his hands, & your (my) draft was paid out of the Quarter master's funds"! Now either you were ignorant of my means of giving you a flat contradiction, by the terms of the receipt drawn up for my signature, by Capt. C. himself—in which he makes me acknowledge the money as received back from the "public funds on account of *Mexican Military Contributions & revenue,"*—or you have been, in some way or other, tampering with the matter. I, however, shall stand by Captain Clark's written *denomination* of the money (& high character) against all machinations.

You begin the next paragraph by charging that I "make a display of generosity to the private soldiers by citing the provision of extra clothing, extra hospital comforts for the wounded &c made by you (me) from the money thus raised"—by contribution &c. Here you seek to profit by your own wrong; for having (December 20) accused me of helping myself to the indemnity or per centage & failing to make distributions for the

benefit of others—except the $2,000 sent to certain destitute families, as support, till legal pensions should fall due—I was forced to enumerate (Jan. 31) the items in question, amounting, nearly, to $100,000 besides a larger sum remitted home as a foundation for an army asylum. It is that enumeration, strictly *defensive,* that you shamelessly stigmatize as an ostentatious "display of generosity"! And thus I cut off, one by one, your many headed charges—each as fabulous as the hydra.

I said, in the same letter, (replying to another accusation) that I ceased to press for a settlement of my Mexican accounts from the date of the act, March 3, 1849, intending to stand aloof & abide by a protest against it, as *ex post facto,* till I could obtain some assurance that the very items, just alluded to, would, under the act, be passed to my credit—about which I had serious doubts—as the act, in terms, subjected the money in question to the same rigors, in respect to specific appropriations, vouchers &c, as if each dollar had been drawn from the U. S. Treasury. You (Feb. 28) treat those doubts as mere pretexts for not urging a settlement *after* the act, as I had done *before,* & you discuss with me, its terms as ignorantly & flippantly as you had discussed, with the Attorney General, the legal question—*is there any law prescribing the pay &c of a lieutenant general?* Thus you say the former act (March 3, 1849) "made a two-fold provision for" this Mexican money, & you refer to sections 1 & 4. Now section 1, only authorizes the Secretary, by certificate, to pass an application of said money to the credit of an officer when the expenditure had been made "for objects *not* usually embraced among those for which appropriations are made." Of course, this seemed to cut off my gratuitous distribution of clothing *(shoes & blankets;)* extra comforts to hospitals; the pay & subsistence of a spy company *(troops;)* & the money sent to certain bereaved families in the nature & in advance of *pensions.* Now these are objects severally, & by name, embraced "usually" & *always* in annual appropriation bills. The ten dollars, each, given to men discharged from hospitals, might, perhaps, have been credited to me under your second reference to the 4th section of the act—if I had had, in Mexico, a superior officer to certify that the expenditure was "proper & necessary." From this reading of the law it may be lucky (the trouble being now over) that all the expenditures in question have actually been passed to my credit, or I might still be compelled to protect myself against mulcts & other penalties on the very sufficient ground that I took from the beginning & have never waived, viz;—the

act referred to, is, in respect to them & to me—an *ex post facto* act.

With the 7th & 5th sections of the army appropriation bills for the years 1853 & 1854, respectively (10 *Laws*, 108 & 218) which I have found by a reference of yours, I have had nothing to do, nor have they any thing to do with me. Indeed I do not remember ever to have seen either section till now. You are welcome to make the most of them.

Again (Feb. 28) you recur to my court-martial in 1810—now your "thrice told tale," again & again refuted & put to shame; but which, with Caliban-malice, that "needs must curse"—you are likely to reproduce to the end of the chapter—if only, as you, in the main, confess (December 20) to give me "the advantage of referring to a particular passage of (my) history"! This, to such a spirit.

——"If not victory, is yet revenge".

In the teeth of Judge Story's decision—*U. States* v. *Vinton*, 1 *Peter's Digest* 367—heretofore quoted by me—you seem to justify refusing me the brevet pay &c of lieutenant general, on the ground that I had not been specially assigned to duty according to the brevet, & you also appear to doubt whether in the letter of Jan. 31, I have given a fair extract of Genl. Shield's letter to me respecting the intentions of the Senate on the same subject. I, therefore, annex hereto, a certified copy of his whole letter—not deeming it safe to part with the original.

I must not omit to notice your denial of any intention to provoke a duel by your "savage & scurrilous" letter to me of August 2, which you wished to be considered *private*. If that should ever be published, readers will judge the value of your present declaration, or at least see with what boldness you threw down the gauntlet to me. And it is, in this connection that you charge me with "not answering to the personal defiance of an aggrieved officer, your (my superior in rank, & infinitely above you (me) in every other respect." Now it is true, General Jackson, addressed me a letter of defiance in 1817, very like the one just noticed—written by the next greatest man of the century—yours of the 2d of August. But, certainly, no challenge ever passed from General J. to me. On the contrary, being in December 1823, at Washington, & for the first time in my life, (knowingly) within 120 miles of his person, I addressed him a note which my selected friend, thought, with me, might, as likely as not, result in a challenge. Happily for both, the Hero of N. Orleans, upon the spot, returned a most courteous reply, which led to a private intimacy & official confidence of thirteen years—down into the

first of the seven years' war with the Seminole Indians. The letters, in question, are in print—to which, with "laudable ignominy," you seem desirous to affix your commentary; but you shall not falsify the record.

There is also in the letter (Feb. 28) much additional verbiage on other topics previously discussed in this correspondence, but which impairs not, in the slightest degree, one of my former conclusions:—Your object being, evidently, by iteration & reiteration;—by "the meanderings of moral & verbal obliquity," & the multiplication of words—to render that darker that you had made dark enough before, & thus "from the smoke into the smother" escape the penal justice that is your due.

The 5th Article of War declares—that "any officer &c who shall use contemptuous or disrespectful words against the President of the U. S. &c, shall be cashiered, or " &c. With this high penal enactment constantly in view, you have, more than once, slyly endeavored to force me upon it. Hence your manner of commenting on certain passages in my letters—these, among others: 1. I had occasion to say (July 30) that your "sycophants, military & civil", represented you as "so intrenched in the favour of the President that any appeal (to him) against your caprice or injustice, would be sure to lead to an aggravation of the injury"—notwithstanding that I took care to add—"not believing them, I ask that this letter may be laid before the President." 2. So in the beginning of my last letter to you (Jan. 31,) I had occasion to allude to the title—*The Favorite*—given to you by many, & on which it is generally supposed you greatly pride yourself; but knowing your perverse ingenuity, I took care to add—"of course, assumed (the title) without warrant". And with a like design to entrap me, & at the same time to cover up your most laboured acts—take, for example, those respecting the lieutenant general's double rations; his commutation for forage, fuel, quarters & servants—you adroitly bring out the President (by name) & place him directly in front of you, making it hazardous to attack "a power behind the throne" &c. And this, my deference to the law & the Executive; I have no doubt you will, in the end—for it belongs to the descendental scale that you are upon—charge as an act of cowardice in him whose sacrifice would afford you so much happiness.

Nauseated & fatigued as I am in stamping with disgrace the numerous foreign matters that you have dragged into this correspondence—for no purpose, in either case, but to "feed (your) revenge"—such as the court-martial of 1810, the Jackson correspondence, compensation as commissioner for Cherokee re-

moval &c, *per diem* as Secretary of War *ad interim*, Mexican accounts, mileage when travelling on Army Asylum business, &c,—there yet remains another—a new topic, which equally deserves the seal placed on the preceding congeries.

You (Feb. 28) charge "that by personal solicitation of a kind which would deprive such a compliment of all value to a man worthy to receive it, I "procured the passage of a resolution" which gave me the rank of lieutenant general &c.

Now it is utterly untrue that I ever solicited, or even spoke to any member of either House of Congress on the subject who had not before, or, in accosting me, at the moment, declared his purpose to vote for such a resolution. The measure passed the Senate the third & last time, December 1853. In that long session, terminating late in 1854, I was less than six hours in Washington & saw, knowingly, only one member of Congress (Mr. Vanzant) a personal friend, but to whom I did not speak —because I did not then know that he intended to vote (as he did) for the resolution—altho' we had travelled from Baltimore together in the same car. I visited Washington, that single day, to meet the Army Asylum Board. At the next session, I was summoned thither again, 1. To meet the two Committees in Congress on *Military Affairs*, & was twice in the Capitol, for that purpose, & not once in either house of Congress, tho' honoured with the privilege of going on the floor of both—standing aloof only because my resolution was still pending before the House, & 2. I had as president of the Army Asylum Board to attend its stated meeting in February. In compliance with those two calls, I arrived in Washington Jan. 1, 1853, & left, for N. York, about the 20th of the following month. What next?

I have the honour to remain,

&c &c &c

Hon. J. Davis,
Secretary of War.

WINFIELD SCOTT.

(Referred to in the preceding letter, p. 10—page 6 of copy)

General Shields
Chairman of the Military Committee
U. S. Senate
to
General Scott.

Washington Dec 22nd 1853

My Dear Genl

The resolution reviving the rank and title of Lieut Genl by brevet has passed after a warm debate by the decisive vote of

30 to 12. To avoid any misconception or misapprehension hereafter I declared openly that it was intended to give you additional pay—This met with no objection from any quarter. Those who opposed it did so protesting that they were all willing to give any honor or any increase of pay what (or that) we might propose Praises were showered upon you from all sides—It will be sure to pass the House this time. God bless you and preserve you long in health and life to enjoy your honors—

Yours sincerely

(Signed) JAS. SHIELDS.

Major Genl Scott
Genl in Chief N. Y.

I certify that the foregoing is a true copy from the original.

H. L. SCOTT,
Lt Colo. U. S. A.
A D C &c

Hd Qrs of the Army
New York, March 18, 1856

Jefferson Davis to Winfield Scott.

(From Letter Books Secretary of War Old Records Division War Department.)

War Department.
Washington March 31. 1856

Brevet Lieut. General Winfield Scott,
U. S. Army,
New York City,

Sir

I have received your letter of the 20' instant in answer to mine of February 29' which you style a "heavy folio" although it was one third shorter than yours to which it was a reply—there also being this difference between them, that yours is a mass of reckless accusations, and mine the presentation of evidence, both to prove my statements and to disprove your falsehoods.

In the letter now before me you attempt to sustain, by reference to the correspondence, the charge made in yours of January 31st that I forced General Hitchcock from the service. You suggest two causes for General Hitchcock's resignation, and you only suggest them for you do not venture to allege either of them as the cause of his leaving the service.

The first is that his resignation was the result of a refusal, for which you would make me responsible, of leave of absence asked

by him for the purpose of attending to the interests of orphans under his charge.

The second is that the General being unable to reach his post on the expiration of his leave, and having thus fallen into my vindictive hands, resigned in order to avoid the consequences.

The last can best be answered first. Whatever consequences may have resulted from the General's failure to reach his post in due season, they are attributable to you alone. You gave him leave of absence at a time "when," as noticed in my letter of September 7, 1855, "the known difficulties of communication with the upper Missouri "rendered it extremely improbable that "he would, after enjoying such leave be able to reach his com- "mand before next summer," and you failed to revoke the leave when directed, July 25, 1855, to do so in order that the General might avail himself of an opportunity to reach his post. General Hitchcock, himself, however, had no apprehensions whatever on this score. You correctly quote that part of his letter of resignation in which he says he has many reasons for resigning besides the difficulty of reaching his post at that season, and he proceeds to say he presumes no point of honor is involved in this matter arising out of the disturbed condition of a portion of the Indians, but if it should be the opinion of his superiors that he ought to proceed to the post assigned him, he will make every sacrifice to comply with the just expectations of the Government. In this passage as well as in the whole letter of which I subjoin a copy for convenience of reference, it is perfectly apparent that General Hitchcock did not resign from any apprehensions of my vindictiveness.

I return to the other cause suggested for his resignation, viz: the refusal of his application of September 11, 1855 for an extension of his leave of absence, for, as you say, the purpose of attending to the interests of orphans under his charge.

In the first place, it is not true that, as you say "the application on its face was founded on the same urgent reasons (the care of orphans) alluded to in (your) letter to (me) of July 17, 1855. The letter is a short one, and I here transcribe it, with the endorsements showing how it was refused.

St Louis Mo. Sept. 11. 1855

"Sir

"I have the honor to request an extension of the leave of "absence granted me in Special orders, No. 48, dated Head "Quarters of the Army, New York, May 29'—1855, and that "the extension may be for four months.

"The objects for which I requested a leave of absence have

"not yet been accomplished. I have undertaken to superintend "the erection of a dwelling house, in part for my own (prospec- "tive) use, and in part for the use of friends who look to me "for this service which no one known to me either can or will "perform. Admitting that these objects are personal, I never- "theless hope that my presence at Fort Pierre will not be "deemed indispensably necessary and that I may be permitted "to remain here.

"Very respectfully
"Your Obt Servt.

"Col. L. Thomas, Signed "E. A. Hitchcock
"A. A. Genl. Genl. H^d Quarters "Col-2^d Infy B B Genl
"West Point

Endorsement.

See Telegraphic dispatch to him of September 18, 1855.

Head Quarters of the Army
N. Y. October 8, 1855

"Brevet Brigadier General Hitchcock informed by the General "in Chief by telegraph that his leave would not be extended. "His leave expired the 6' instant.

"Respectfully forwarded. By command of Bt Lieut. Genl "Scott Signed, L. Thomas
Assist Adjt Genl."

This contains all the notice or knowledge the Department has ever had of General Hitchcock's reasons for desiring leave of absence except those assigned in your own letters, and it has been abundantly shown in the course of this correspondence that your statements to me cannot be relied on.

I should have no desire whatever to avoid the responsibility of refusing to allow an officer while his command is in the field against an enemy to absent himself a whole year in order to build a dwelling house for himself and friends, and such was the aspect of this case as presented in the only papers which you thought proper to forward to this Department, but at the same time if there was in the case any such latent hardship as justifies you in charging that the General has thereby been forced from the service, I am not willing that you should impose that hardship, and impute it to me, because you think I would have done the same had the case come before me. It is an old maxim that one does himself, what he does through another, but it has been reserved for your logical mind to advance that doctrine that one does himself what another thinks he would do if he had the opportunity.

It is to be observed that you have noticed but one branch of my remarks upon your report of reasons for not revoking the

leave of absence which you had given General Hitchcock. You plead to your suppression of truth in that report, in not mentioning that you knew General Hitchcock was in St. Louis while you wrote in such terms as implied that you believed he was on his way to his post, but you are silent as to your suggestion of falsehood in stating that belief to have been the cause of your failure to revoke the leave, when in fact no such belief could have been entertained by you.

Not to leave any new matter in your letter unnoticed, I admit that in 1853 I refused the application of General Hitchcock, though strongly supported by you, for leave to travel around the world, by way of China, India, the overland route, and Europe, while his regiment was being re-organized, but the refusal was endorsed in the usual official form, dated at the War Department and signed by me as Secretary of War. By omitting all these official characteristics, you fraudulently attempt to give the act a personal aspect which it did not possess.

This is very much such a transaction as that which recently occurred, when having omitted to insert certain necessary provisions in a contract for the transportation of troops made under your direction, and this Department having by timely instructions supplied the omission, you had the omitted provision added to the contract in a postscript without date, and after seeing what the Department had done, then complained that the Department had seen fit to do what you had already done.

In reference to the money which you drew from Captain Clark, you rely upon the form of the receipt which you gave him as proving that the money was paid "from public funds on ac- "count of Mexican military contributions and revenue." The receipt is signed by you and the responsibility is yours. It cannot sustain your allegation that "the money had never belonged "to the Treasury of the United States, but to the contribution "fund of money collected in Mexico, and had been held apart "from the Treasury for the express purpose of paying balances "to officers on account of services connected with military con- "tributions in that country." Captain Clark had not, as his settled accounts in the Treasury show, one cent of that fund in his hands when he made the advance to you, and the form of the receipt, as you quote it, shows simply that the money was paid to you on the account which you had designated.

The circumstantiality of your statement as to the fund being retained to make payments for services &c &c, in which there is not a word of truth, would at once indicate to those acquainted

with your peculiar style, that it is one of your fictions—when you state facts you are more sparing of details.

You accuse me of unfairly treating your per centage commission, or indemnity as prize money or spoils in order to show that you ought to have distributed due proportions among your brother officers. You had denied the validity of the law under which you were required to account for the contribution money, and presented me the rules that exist in other services for the distribution of "spoils of war, booty, or prize money" in the midst of a vindication of your conduct in taking a portion of the contribution money for yourself. I considered this intended to justify your conduct in retaining $6,400, by showing that in any other service you would have received much more, and I replied to your argument without admitting the applicability of the precedent on which it rested.

You have failed to give any plausible explanation of your long delay in settling your accounts, under the Act of March 3[i] 1849. You still argue that this act did not authorize, but cut you off from the credits which you have received. Without following your arguments, I will briefly state that provision was made for all expenditures, for necessary and proper objects during the war with Mexico, as follows:

1st If made for objects usually embraced among those for which appropriations are made by law, then they could be charged to such appropriations without reference to the Act of 1849.

2d If *not so embraced,* then they are of the class provided for for by the Act of 1849, and if made *from the contribution fund* can be *passed* to the credit of the officer under the first section; or if made from any other fund, or even from that fund, under the sanction and approval of the proper officer, they can be credited to him, and charged to the fund under the 4th section.

This enumeration is exhaustive.

The 4' section does not, as you argue apply only to expenditures made by inferior officers under the approval of a superior. It applies to all necessary and proper expenditures made under the approval and sanction of the proper officer, and whether made by himself or by another, his certificate fulfils the requirement of the Act.

Perhaps it is, as you say, lucky that your accounts were settled before this controversy arose—not that it has changed my view of the meaning of the law—but it has cast much doubt on the

sufficiency of your verbal statements as evidence of the large expenditures for which I have given you credit.

The ostentation which I remarked in your enumeration of those expenditures was not simply in the enumeration but in the manner and declarations with which it was introduced. You presented it to prove "distributions for the benefit of others" in vindication of what you claim to have been a similar distribution to yourself and in the letter before me you again speak of "my gratuitous distribution of clothing" &c. What I object to is your styling any of those expenditures, your gratuities, either impliedly, by placing them in the same category with the public money appropriated by you to your own private use, or expressly as in the words above cited. They were no more gratuities of yours than the food furnished the troops was a gratuity from the Commissary General, and their pay from the Paymaster General.

You send me an attested copy of a private letter, addressed to you by General Shields, respecting the representation made in the Senate when the bill to revive the grade of Lieutenant General passed that body. If this is merely done to prove that the extract you previously sent me was correct, the evidence is sufficient. But if it be offered, as counterbalancing the remarks of that Senator and others, as quoted by me from the published debates to which you referred, it is entirely insufficient. If it be offered to show that during the years you sought ostensibly to obtain a complimentary distinction you were really in pursuit of a money allowance, no evidence was necessary to convince me of that. Your argument against the views of others on the effect of brevet rank requires no answer from me.

In replying to your assertion that my letter of August 2^{d} 1855 was intended to provoke a duel with you, I had occasion to refer to a transaction between yourself and General Jackson in 1817 to show that no such expectation could have been entertained. This gives you the opportunity, in reiterating that assertion, to vaunt that General Jackson never challenged you but that, "on the contrary," that when you were, in December 1823, for the first time knowingly within 120 miles of his person, you addressed him a note which your "selected friend," thought, with you, might as likely as not result in a challenge. The correspondence of 1817 clearly exhibits the fact that General Jackson was quite willing at that time to shorten the distance between you, and his answer, in December 1823 to your note of that date shows that advances had been made to him to prepare him to construe it as an invitation to friendly relations. If

your purpose then was to change the position which you had taken in 1817, and to avow the personal responsibility which you then disclaimed, that purpose was so skilfully concealed that General Jackson failed to perceive it, and it is hardly to be supposed that I could have been, in August last, better informed.

Having gratuitously uttered offensive imputations which were repelled in an unofficial note, you insisted upon treating it as an official communication, and you now boast of your dexterity in avoiding official responsibility, by guarding your slanders with saving clauses which exempt them from the operation of the articles of war. You thus reduce yourself strictly to the level of a common scold, and if the world held you as cheap as you would make yourself, your accusations would need no refutation.

You deny having made solicitation for the passage of the Act to revive the grade of Lieutenant General, and make a show of proving your assertion by declaring that you were not six hours in Washington during the session when the bill passed the Senate the last time, and that you did not go into the House during the session when the bill passed that body. These declarations may be true without bearing at all upon the question, and your denial of having used solicitation, even if it had been less qualified than it is would not have counterbalanced the reasons I have for believing the reverse.

You have from time to time renewed your aspersions against persons military and civil whom you style my sycophants and beneficiaries, and being pressed in relation to that vile slander, you have denied that you meant certain persons without telling whom you did mean more definitely than by saying your allusion "was to some of the recent appointments to the Army;" and to other persons. As it seems impossible to bring you to an issue which can be fairly tried, I will state in general terms that with a single exception all the recent appointments above the grade of subaltern, were officers who had been distinguished for gallant conduct either in the Army, or volunteer militia, and many of them had received high commendation from you. The single exception was a gentleman from the western frontier of Missouri, whom I had never seen. The remaining appointments, those of the grade of Lieutenant were conferred, first, upon officers of the Army whose service and reputation indicated them for promotion; second, upon gentlemen who had served creditably in the War with Mexico; third upon non-commissioned officers whose conduct in the ranks had proved them worthy of commissions; and the residue—few in number—upon persons

most favorably recommended on the files of the Department. You are defied to point out the sycophants who you say are to be found among these officers, and, though you well understood when you made your strictures upon these appointments, that you were attacking the official acts of the President, you are now invited for the purpose of free inquiry to treat them as mine, and you must verify your accusations or stand a convicted slanderer.

You also renew your charge that injustice, harshness, and favoritism, in the treatment of officers of the Army had characterized my administration of the War Department.

This is not the first time you have attempted to invest me with the traits of your own character and to impute to me the offences committed by yourself. The burthen is one few men beside yourself would be able to bear, and policy might have prevented you from provoking me to expose the instances in which you have robbed officers of the reputation due to their meritorious and gallant service, that you might appropriate it to yourself; the occasions on which you have selfishly or malignantly failed in the obligations of an American to sustain his countrymen in the presence of an enemy, the slanders you have circulated against your brother officers, and your mean attempts to gratify your prejudice by depriving officers under your orders of their appropriate command. Even, in your last letter, you avow your base dereliction of duty in allowing your junior brother officers whilst serving under your command to be outraged, as you represent, without appealing in their behalf to the President, though you say the case had only to be known to him to be redressed.

Very respectfully Yr obt Servt

JEFFN DAVIS
Secretary of War.

Jefferson Davis to George W. Jones.

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
Washington April 10 1856

Hon. George W. Jones,
U. S. Senate,
Sir

I have considered your letter of the 19' ultimo, asking my views respecting an Act to compel the Illinois Central Rail Road company to comply with the stipulations of the Act of Congress

of September 20'—1850, granting land to the State of Illinois to aid in the construction of said road.

On examination of the Act, it appears to me that by the completion of the road all the land granted has vested absolutely in the State of Illinois and its assigns, and I do not see how legislation could now reach the land. Nor do I perceive that legislation could now superadd any obligations to those imposed by the original grant. It appears to me therefore that the only remedy for the alleged failure of the company to comply with the stipulations of the grant is by suit for damages; this the Executive has already authority to institute, but legislation might render it imperative to adopt that course.

Very respectfully Yr obt Serv

JEFFN DAVIS
Secretary of War.

Jefferson Davis to J. C. Dobbin.[1]

(From Letter Books Secretary of War Old Records Division War Department.)

War Department.
Washington April 11. 1856

Hon. J. C. Dobbin,
Secretary of the Navy,
Sir

By a late dispatch from Lieut. D. D. Porter, commanding the Storeship Supply, I am informed that he expects to reach Texas with the camels early in May. He states also, that as soon as the camels are disembarked, he will sail directly for New York.

Under these circumstances, I address you to know whether the ship, which is now well arranged, and at considerable expense for the business, can be again used for a similar purpose, as it is very desirable to obtain more camels than she will bring on the present voyage; and, also, whether Lieut. Porter can be continued in command of her, as the satisfactory manner in which he has performed the duty devolved upon him, renders it very important to have his services on a second expedition.

[1] Dobbin, James Cochrane (1814-1857), a political leader, was born at Fayetteville, N. C., in 1814; was graduated from the University of North Carolina in 1832, studied law and was admitted to the bar in 1835. He was a member of the national House of Representatives from March 4, 1845, to March 3, 1847; a member of the North Carolina House of Commons in 1848, 1850 and 1852; Speaker in 1850; was Secretary of the Navy under President Pierce from March 7, 1853 to March 6, 1857. He died at Fayetteville, August 4, 1857.

I will be much obliged if you will advise me of your decision at an early day.

Very respectfully Your Obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to W. L. Marcy.[1]

(From Letter Books Secretary of War Old Records Division War Department.)

War Department.
Washington April 14'—1856

Hon. W. L. Marcy,
Secretary of State,
Sir

I have to acknowledge the receipt of your letter of the 7' instant asking copies of any maps, reports and documents recently published under authority of this Department, which would furnish such information as is desired by European emigrants in respect to our Western States and territories.

In reply I have to state that no documents prepared under the direction of this Department contain such information in a form that would be available to emigrants. Their object, it is presumed, would be to make such comparison between the different sections of country as would determine their choice of a place for settlement, having regard to climate, agricultural productions, fertility of soil, means of communication, the price of land &c &c particulars which are not collected in any reports from Army officers, but which, it is presumed, are stated in the circulars of the various associations formed by immigrants long

[1] Marcy, William Learned (1786-1857), an American statesman, was born at Southbridge, Mass., December 12, 1786; graduated from Brown University in 1808, studied law, was admitted to the bar and commenced practising in Troy, N. Y., in 1810. He became a captain of volunteers in the War of 1812; was recorder of Troy 1816-1818; editor of the Troy Budget, an influential anti-Clinton journal, 1818-1821; comptroller of the State, 1823-1829; associate justice of the Supreme Court of New York 1829-1831; U. S. Senator from December 1831 to July 1832; Governor of New York from January 1, 1833, to December 31, 1838; commissioner on claims against the Mexican Government, 1839-1842; Secretary of War, 1845-1849; Secretary of State 1853-1857. He died at Ballston Spa, N. Y., July 4, 1857. Marcy was for years a prominent member of the "Albany Regency", a powerful political ring, and for his speech in defense of Van Buren he was associated with the Spoils System. As Secretary of State he is remembered for his instructions to American ministers abroad to appear in simple costume whenever possible, for his Hulsemann letter in the Koszta Affair, and for his successful handling of other knotty international problems.

settled in this country for the purpose of advising and aiding their countrymen who may follow them to our shores.

With regard to maps, it is believed those prepared by Mitchell, Cotton and other private publishers are the best that can be obtained. The successive editions of these maps generally embrace all that is published in the reports from this Department.

Very &c JEFFN DAVIS
Secretary of War.

Jefferson Davis to James E. Broome.[1]

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
City of Washington April 14. 1856

His Excellency James E. Broome,
Governor of Florida,
City of Washington.
Sir

I have the honor to acknowledge the receipt of your communication of this date, and will reply to the several points presented for my consideration in the order adopted by you.

1st and 2d These obligations have been recognized and acted upon by this Department both before and since I entered it, and I have at all times employed those means which promised the most success in fulfilling them.

3d This policy has already been adopted and declared, and its execution has been undertaken with means believed to be adequate for the result. You are however aware that the country being covered with water, as has been the case during the winter, the operations have thereby been delayed and obstructed.

4th This, it is believed has been done, and, to the extent of the powers possessed by this Department, will be done as in the case of other frontier settlements.

5th The manner of affording protection will depend upon the

[1] Broome, James E. (1808-1883), Governor of Florida, was born at Hamburg, Aiken County, S. C., December 15, 1808; removed to Tallahassee, Fla., in 1837 and engaged in mercantile business until 1841; was Judge of the Probate Court of Leon County 1843-1848; was Governor of Florida, 1853-1857, and for four years, during the Civil War, was a member of the State Senate. He removed to New York, N. Y., in 1865, and resided there and in Brooklyn during his later years. He died November 23, 1883, while visiting his son, at Deland, Fla. Broome was known as the "Veto Governor" of Florida because he used his veto power more than any other governor and his veto was always sustained.

circumstances of the case. Mounted troops would be available against parties of Indians found in the highlands, but would be useless in the Big Cypress or Everglades. They can at present only be valuable to give early information of any party which might come into the highlands, and to quiet the apprehensions of frontier settlers.

6th In the belief that two companies (160 men) of picked woodsmen could be profitably employed in the Big Cypress, authority was given the 7' January last, to receive and muster them into the U. S. service. At the date of last information, March 12, 1856 only thirty one men had been received. Should the companies, thus called for be completed, and it then be found advisable to employ a greater number, I shall, of course, authorize it.

7th Ample provision has been made for boats. The number can yet be increased either by capturing the canoes of the Indians, or by constructing new canoes.

8th and 9th As one means deemed proper for the removal of the Indians who refuse to emigrate, rewards, as large as the resources at the disposal of the Department will warrant, or as propriety will justify, have been offered for the delivery of individuals of the tribe, to the emigrating agent. It will be understood that this is not offered as an inducement for killing Indians, but for capturing and delivering them alive to the emigrating Agent. No discrimination is made in respect to the rewards, between those who go in pursuit of Indians unprotected and those who go under military organization.

10' On this head, efforts heretofore made by this Department must furnish the only answer that can be given as to the future.

11' The number of regular troops in Florida had been increased, before the commencement of hostilities to about 780 officers and men, and the base of military operations was advanced far beyond the line of frontier settlements. Between this base line and the settlements, so far as I am informed, but one small party of Indians has passed since the commencement of hostilities. They visited the site of an old store, probably expecting to find there powder, calico &c and are reported to have killed one man; this being the only depredation committed above the base line of military operations.

The policy of this Department has been the removal of the Indians, and the means decided upon to effect this end are to pursue and capture them in the swamps and islands to which they have retired. The maintaining of a defensive line on the

frontier settlements would conduce little, if at all, to this end, and certainly could not be considered as an energetic effort to effect it promptly. Of the seven mounted companies which you informed me you called into the service of the State at the period of the "recent unexpected commencement of hostilities with the Indians," three have been received by Colonel Munroe under authority from this Department. If in the progress of events, it should be found that a larger number of foot militia than has already been called for, can be profitably employed against the Indians in the swamps and everglades, that fact will, no doubt, be reported to me by the officer commanding in Florida, and the President being convinced of the necessity, would not, of course, hesitate to call the additional force into service, or to avail himself of the advantage which their previous organization would give for having them promptly in the field. But it would require special legislation to authorize an anterior date being given to their muster into the United States service

I have the honor to be
Very respectfully Yr obt Serv
JEFFN DAVIS
Secretary of War.

Endorsed:
The original of this letter was returned to the Department by Gov. Broome, with the consent of the Secretary of War, Gov. B. having expressed a desire to modify his letter of the 14' to which this was an answer. His letter of the 14' was therefore returned to him and his letter dated 15 April substituted. See answer thereto at page 41.

Jefferson Davis to James E. Broome.

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
City of Washington April 15 1856

His Excellency James E. Broome,
Governor of Florida
City of Washington,
Sir,

I have the honor to acknowledge the receipt of your communication of this date, asking for such information as I deem proper to communicate "concerning the policy and purposes of the Government in regard to the removal of the Indians remaining

in Florida; the character of the means relied on for the purpose and the extent to which they have been and will be applied."

The policy of the General Government is the removal of the Indians from Florida at the earliest practicable period, in accordance with its recognized obligations. For this purpose as soon as the matter was placed under the charge of this Department, the emigrating Agent was directed to endeavor to reopen communication and restore confidence with the Indians. In connection with this policy, the base line of military operations was advanced some distance beyond the line of frontier settlements. Roads leading to the region occupied by the Indians were constructed and extensive explorations were made by land and water of the hitherto unknown interior of the Big Cypress and the Everglades. All trade with the Indians was prohibited and the best practicable measures were adopted to enforce the prohibition. Looking forward to the possible failure of success in moving the Indians by persuasion boats were accumulated in Florida in sufficient numbers and are now ready for any service to aid in the explorations of the islands and swamps to which the Indians are accustomed to resort, and to impress them with a sense of our ability to pursue and overtake them in their haunts. They, no doubt, perceiving that the accurate knowledge of these haunts which the troops are rapidly acquiring, and the contracted line of military posts which surround them, must inevitably reduce them to a compliance with the demand of the Government for their removal, and, perhaps, actuated by other reasons, suddenly changed their line of conduct and commenced hostilities by attacking an exploring party under the command of Lieutenant Hartsuff.

Despairing of any success from further attempts to induce the Indians to emigrate voluntarily, order was given early in January to the commanding officer and officer in charge of emigration in Florida, to rely, in future, upon force as the only means by which the object can be effected, and to pursue it vigorously. To this end the number of regular troops was increased to 780 officers and men, and measures were taken to commence active operations against the Indians, which, as you are aware, were impeded by the section of country occupied by them being soon afterwards, to a great extent, covered by water. At the same time directions were given to the commanding officer in Florida to receive into the service of the United States five companies of volunteers—three mounted and two foot. The mounted companies have been received and are a part of the seven companies already in the service of the State. The foot companies were intended to be

composed of experienced woodsmen and boatmen to act in the Big Cypress. At the date of last information, March 12' 1856, only thirty one men had been received in these companies, but they were authorized to be retained as a detachment, even though a greater number should not offer. The three mounted companies were, upon the recommendation of the officer commanding, taken into service for the better security of the frontier settlements and for the purpose of giving intelligence to the advanced line of military posts when any marauding parties might pass that line in the direction of the settlements.

In addition to this, to induce men to engage in capturing Indians alive, the officer in charge of emigration was authorized, under certain limitations to pay rewards for Indians delivered to him for emigration. These rewards were on a scale embracing men, women and boys over ten years old, and it was hoped they would be promotive of humanity as well as of the early removal of the Indians from Florida.

Should it hereafter be found necessary to employ a greater number of volunteer militia, the commanding officer in Florida will be authorized to receive into the service of the United States, such additional force as may be from time to time required. It may be proper, however, to inform you that the authority given to receive the five companies of volunteers covers the whole force which that officer has reported necessary or desirable.

I can only repeat to you the assurance already given of my earnest desire to move the remnant of the Seminoles from the State of Florida at the earliest practicable period and of my purpose to employ within reasonable and proper limits of expenditure such means as may be most likely to secure that result.

I have the honor to be, Sir,
Very respectfully Yr obt Serv
JEFFN DAVIS
Secretary of War.

H. J. Harris to Jefferson Davis

(From the Library of Congress. Manuscripts Division.)

Vicksburg, April 17th, 1856.

Dear Sir:

I received, this morning, your letter of the 6th instant. In one I addressed you, some two weeks or more ago, I expressed my regret that I had acted so hastily, I may say, so boyishly. I

renew the expression of it; and desire the whole thing to be forgotten.

That it wounded me deeply, to be overslaughed so often, and in favor of men, some of whom had neither the capacity nor the will to serve the party as I had served it, is certainly true. Now, however, I wish to efface the matter from my mind.

I hope the President feels that he has done me justice. Certainly, I feel and know that I have been true to him. When the democracy here as elsewhere, in view of the reverses of 1854, were ready to fly off from the administration, it was the Vicksburg *Sentinel* that came forward to breast the storm, and led the way in that great revolution of public sentiment, which has brought back to Franklin Pierce more than his popularity of 1852. I do not presume that he is, therefore, under obligations to give me office; but I should like to know that he has the heart of a man as well as the head of a politician. I have no reasons to suppose that he has not; and it must not be understood that I indulge in complaint as to *him*. What he will see in a late number of the *Sentinel* should satisfy him on that point.

We have no news here of any interest. I believe matters at the Hurricane and Brierfield are as you could desire them. A friend of ours at Somerset is very much alarmed at Mr. Buchanan's prospects for the nomination—an alarm I do not share. You will probably soon see in the Delta an article from "*A Mississippi Democrat,*" in which some of Mr. Buchanan's antecedents, on the slavery question, are stated *from the record*. If they do not prove to be stumbling blocks in his way, Southern men must care less for the South than I suppose.

Yours truly,
H. J. Harris.

Hon. Jefferson Davis,
Washington,
D. C.

We want Sloan's nomination confirmed. We will be disappointed should it not be. It is not true that the Democrats are opposed to it. He is a true man. If you can give him a helping hand, we want you to do it. In fact, we are anxious about it.

[Indorsed: H. J. Harris.]

Jefferson Davis to J. P. Benjamin.[1]

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
Washington April 22d 1856

Hon. J. P. Benjamin,
Senate
Sir

I have the honor to acknowledge the receipt of your letter of the 18' instant, enclosing one from Mr. Louis Hebèrt, State Engineer of Louisiana, asking information in regard to the survey of the Delta of the Mississippi, made some time since, and in reply to inform you that the maps, drawings and other results of that survey are not yet in condition to be made available for the objects desired by Mr. Hebèrt. The officer under whose direction the survey, as far as progressed, was made, is about to resume charge of it and prepare a report upon the subject of the inundations of the Mississippi.

Very respectfully Your Obt Serv
JEFFN DAVIS
Secretary of War.

Miles Taylor[2] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

Washington April 28th 1856

Hon. Jeff. Davis
Secretary of War
Dear Sir

Col. Porter of New Orleans sent on some time since a "batch" of appointments in the Custom House there which it was every

[1] Benjamin, Judah Philip (1811-1884), a Confederate leader during the Civil War, was born of English-Jewish parentage, at Saint Thomas, West Indies, August 11, 1811. He passed his early years in Wilmington, N. C., Charleston, S. C., and New Orleans, La.; studied at Yale college three years; read law at New Orleans and was admitted to the bar in 1832. He was a member of the Louisiana State Constitutional Convention of 1845; was U. S. Senator from March 4, 1853, to February 4, 1861. He was appointed Attorney-General in Jefferson Davis's provisional cabinet and in August, 1861, was made Secretary of War of the Confederacy. He was Secretary of State from February, 1862, until the fall of the Confederacy, when he fled via the Bahamas to England. Benjamin practiced law in England with great success from 1866 to 1882 and died in Paris, May 6, 1884. His treatise on the Law of Sale of Personal Property, published in England, is considered a legal classic. During his term in the U. S. Senate he advocated the Kansas-Nebraska Bill, but afterwards asserted that the Dred-Scott decision set aside the principle of popular sovereignty. Consult Pierce Butler, Judah P. Benjamin, 459 pp. Philadelphia, 1907.

[2] Congressman from Louisiana in the Thirty-fourth, Thirty-fifth and Thirty-sixth Congresses.

way desirable should be made. I do not know whether they have as yet been acted on. I yesterday received a letter from one of the persons appointed an Inspector, saying that at that time (the date of his letter) nothing had been heard in New Orleans on the subject. If nothing had yet been done by Mr Guthrie, can you in a quiet way have action taken on the subject at once?

The person appointed inspector from whom the letter to which I refer came, is Mr. John Minster, a old friend of mine and one to whom I am under great obligations for his disinterested support in several sharp contests.

In addition to this subject let me mention another. The Editor of the True Delta, Dr Wm. Kennedy of New Orleans, is about to go to Europe for a few months. Cannot the Administration make him a bearer of dispatches, or something of that sort? It would be very gratifying to him, I have no doubt, and it certainly would be to me to have him so designated. Besides, I think it would be useful to us all, for as I before explained to you, though pursuing an apparently erratic course, it will be found that what he actually does promotes the real interests of the party and of the Administration more than the declared support of many papers which pretend to be Democratic Organs.

Yours very truly,
MILES TAYLOR.

[Indorsed: Hon Miles Taylor]

Jefferson Davis to William H. Chase.[1]

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
April 29—1856

Major William H. Chase,
U. S. Engineers,
Washington, D. C.
Sir,

Your letter of the 25' instant asking for a reconsideration of the decision upon your application for leave of absence has been regularly transmitted from the Engineer Bureau, and I have the honor to reply that in declining your application for leave of absence, the Department intended to express the opinion that you could, at this time, more advantageously than next fall, enter upon the duties of Superintendent of the Military Acad-

[1] Class of 1815 West Point, resigned 1858, colonel and brigadier-General Florida State Troops War for Southern Independence. Died 1870.

emy. And the suggestion made that the climate of West Point might speedily re-invigorate your health was not intended to force upon you the performance of the duty, if your physical condition should render you unequal to it.

I am aware that the post to which you are assigned is one of constant and laborious service; and if you are convinced that you cannot consistently, at this time, assume its responsibilities, it will only remain for me to revoke the order of assignment and abandon the hopes I had founded on your Superintendency of the Military Academy. If relieved from the duty, your application for leave of absence will be free from the impediment which caused me to decline it, and may then be reconsidered.

Very respectfully Yr obt Serv

JEFFN DAVIS
Secretary of War

Winfield Scott to Jefferson Davis.

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

Headquarters of the Army,
New York, May 21, 1856

Sir: I owe an apology for my long neglect of your letter dated March 31.

My silence, under the new provocation, has been the result, first, of pity, and next, forgetfulness. Compassion is always due to an enraged imbecile, who lays about him in blows which hurt only himself, or who, at the worst, seeks to stifle his opponent by the dint of naughty words. Keeping clear of unnecessary invective, I shall, at once, despatch the last extraneous matters that you have forced into this discussion.

In your letter of February 28, you, with random malevolence, introduce two such matters: 1. An allusion to a controversy into which I was drawn with General Jackson in 1817; and 2. A charge that I personally solicited the votes of members of the 33d Congress in favor of the bill under which I have been made a lieutenant general. Replying, (March 20,) I branded the reference to General Jackson as a gross misrepresentation, and I gave a full and circumstantial contradiction to the story about the congressional votes. Without the least atonement or apology for either outrage, you, in the letter (March 31) substitute this new fiction, viz: that if I did not dodge a challenge from General Jackson in 1817—the old fiction—I did, at least, meanly pro-

pitiate him to write to me courteously in 1823; and in the same letter, you (on the other point) intimate that you still have reasons, though you have not dared to give one, for believing that I did solicit members of Congress in favor of the lieutenant-generalcy. And such, in this long correspondence, has repeatedly been the misery of your condition. Facts and logic failing you, you have never hesitated to resort to broad assertions, for which, when exposed, you have substituted others of increased hardihood, and again rested with as much self-complacency as if truth and justice had given you the victory.

But I am done with your extraneous matters—fabricated recriminations—with which your letters, in this correspondence, have been most artfully filled, from the date (July 30) of my appeal through you to the President. In that appeal I preferred many specific complaints against your official misconduct towards me; all of which, though assailed, remain to this hour unweakened and unredressed.

And it is now, after all the tergiversation and chicanery—the reckless slanders and assertions fixed upon you in this correspondence—after you have, with entire impunity, inflicted on numerous officers, including myself, almost "every act that can define a tyrant," you, in this last missile, with a forged simplicity that looks quite childlike, invite me to make good my charges against you!

That is, to submit myself to trial for daring to complain! And before what tribunal? Of course, the same Jeffreys from whom I have heretofore appealed in vain—the sole judge in, virtually, his own cause—assisted, perhaps, by some petty attorney to keep his ignorance and vindictiveness within the technics and forms of law. No. I am thankful for intended mercies; but I have already been too long in your unscrupulous hands, and if I am to be tried I demand a court of my peers.

In your letters to me of August 2d and September 7th you disclaim "partisan hostility' in respect to the revival of the lieutenant-generalcy in my behalf, and place your opposition to the rank (you shirk the question of *compensation*) on the ground of high principle and wise expediency. Under such pretences you at first artfully staved off the proposition in 1850; but it defeated you in the Military Committee (of which you were chairman) and on the floor of the Senate at the following session; and it so happened that the measure passed both houses of the 33d Congress by large majorities, in despite of your wishes and exertions as Secretary of War.

Aided by an executive document (No. 56) of the House of

Representatives ordered to be printed March 7. 1856, with the running title, "*Compensation to Brevet Lieutenant General Scott,*" I am enabled to offer the following curious approximation for your edification:

In your (unprinted) letter to me, dated February 28th, you boast of your courtesy in telling the Attorney General that I wished, before a decision, to be heard on the question of compensation; yet that information was not given in your note to him of April 26, 1855, (Doc., page 17,) which accompanied your argument (page 13) against the compensation. You also neglected to send me a copy of the paper, and the Attorney General certainly did not feel himself authorized to send me one, or even to allow the original to be read in his hands when I had accidentally heard of it as stated. (Doc., page 43.)

Knowing that the claim to compensation had got into your hands, and as early as March 8, 1855, (Doc., page 6,) to quicken your attention I addressed you, April 26, (Doc., page 17.) Two days later (Doc., page 18) you reply, "the claim was examined in its order;" when it appears that the case had been detained by you some fifty-odd days to enable you to write the law argument (Doc., page 13) for the instruction of the Attorney General.

I know that the reply of the latter (Doc., p. 52) was communicated to you very early in September; consequently it was held in your hands, with the further delay of justice to me of more than a month, to enable one who "knows in law, nor text, nor margent"—to write down the official and learned opinion he himself had solicited of the sworn law officer of the government. [This, your second law tract, (Doc., p. 79,) was kept a secret from me till called for by the House of Representatives, and printed in the document here cited.]

And so, September 30, 1850, to defeat, by a side wind, the resolution then pending in the Senate—to make me a lieutenant general—you caused another to be adopted, asking the President to inquire of a board of officers whether any new grade in the army be "expedient or necessary;" and when the unanimous report of a high and intelligent board came back at the next session, to you most unexpectedly, for you had relied upon jealousies among our generals, recommending a brevet lieutenant-generalcy, "to acknowledge eminent services," you instantly opposed the report you had called for as you had opposed the superseded resolution.

(Do not these *approximations* indicate personal malice and partisan hostility?)

A late celebrated wit, to illustrate the overweening self-

confidence of a British secretary, (still living,) said, "he was ever ready to couch an eye, operate on the bladder, or take command of the channel fleet in the midst of an enemy." It is believed that an American Secretary can be named, who, without having served an apprenticeship to either of those functions, is rash enough to unite them all to his present office, and take upon himself the part of chief criminal judge into the bargain.

There was a nobler bearing among public men in the earlier and better days of our republic. General Hamilton, a pre-eminent jurist, rescinded (*Works, volume III, p.* 563) his own treasury circular, in deference to the opinion of an Attorney General.

I have the honor to be, sir, &c., &c., &c.,

WINFIELD SCOTT.

Hon. JEFFERSON DAVIS,
Secretary of War.

Jefferson Davis to John B. Blake

(From Letter Books Secretary of War Old Records Division War Department.)

War Department,
Washington May 22d 1856

John B. Blake, Esq.,
Commr Public Buildings
Sir,

As your letter of the 15' instant does not afford all the information requisite to furnish a full answer to the resolution of the Senate of the 6' instant and as the office of the Commissioner of Public Buildings is the appropriate depository of the means for furnishing this information, it is presumed that you will be enabled from an examination of them to communicate to this Department, as early as practicable the replies to the following inquiries.

What is the extent in acres of the Mall within the original northern and southern boundaries and lying between first street West and the Potomac river?

What number of acres of this ground is now occupied by the canal and the adjacent or bordering streets on the Mall along part of 6' street and between that street and Maryland Avenue, and by the Tiber creek?

What number of acres of this ground is occupied by the Smithsonian Institution and the Washington monument, and for the purposes of each?

What number of acres is occupied by private buildings or

rights, and by all the streets intersecting or lying on the Mall respectively, and into how many separate sections is the Mall now permanently divided by the canal, Tiber creek, and the said streets?

I am informed that a plan of the city was attached to the order of President Washington to the Trustees Beall and Gantt, of the 2d March 1797, and was further verified and sanctioned by President Adams in 1798, and that this order and annexed plan contained all the public reservations, particularly designated, and all the streets, avenues, squares, parcels, lots &c. Please furnish a copy of this plan.

Can you state on what authority rests a plan engraved with the following title, viz: "Plan of the city of Washington in the Territory of Columbia, ceded by States of Virginia and Maryland to the United States of America, and by them established as the seat of Government after the year 1800"? And

For what purposes the buildings represented on this plan on the Mall between 7' and 9' streets, and between 10' and 12' streets were intended.

The 4' section of the Act of May 7' 1822 gives to the corporation of Washington City "the control and management of "the public reservation between the botanic garden and 6' street "West with a view to the improvement and preservation of the "same;" does this control still exist?

Is the 9' section of the Act of May 31. 1832 still in force, and if so how many acres of the mall is the Mayor of Washington authorized to rent out under that section?

Very respectfully Your Obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to E. V. Sumner.[1]

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
Washington May 23, 1856

Colonel E. V. Sumner,
Comdg 1st Regt Cavalry
Fort Leavenworth
Kansas,
Sir,

Your letter of the 12' instant this day submitted to me by the Adjutant General, has been read with its enclosures.

[1] Sumner, Edwin Vose (1797-1863), an American soldier, was born in Boston, Mass., Jan. 30, 1797, and was educated in Milton Academy. He

You have justly construed your instructions, and your course is approved. The zeal manifested by you to preserve order and prevent civil strife between our fellow citizens in Kansas receives full commendation; but you have properly refused to interpose the military power of the United States, except under the circumstances and conditions contemplated in your instructions authorized by the laws of the United States, and warranted by the genius of our political institutions. It will be equally within your province to maintain the supremacy of the law and the duly authorised government of the territory, from whatever source they may be assailed whenever the Government shall require your aid in the manner specified in your instructions; and for the great purpose which justifies the employment of military force, it matters not whether the subversion of the law arises from a denial of the existence of the government, or whether it proceed from a lawless disregard of the right to protection of person and property, for the security of which the Government was ordained and established.

Very respectfully Yr obt Serv

JEFFN DAVIS
Secretary of War.

Jefferson Davis to John H. Dickerson.[1]

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
Washington May 27, 1856

Lieut. John H. Dickerson,
1st Artillery
U. S. Army
Sir,

The construction of the road from a point on the Missouri river opposite the city of Council Bluffs in the Territory of

joined the U. S. Army, was made a 2nd lieutenant March 3, 1819, and a 1st lieutenant January 25, 1823. He served in the Black Hawk War and on the western frontier was made a captain of 1st Dragoons, March 4, 1833; and took charge of the cavalry school at Carlisle, Penn., in 1838. He participated in all the engagements of General Scott's from Vera Cruz to the City of Mexico, was wounded at Cerro Gordo and was brevetted colonel for gallantry and meritorious conduct at Molino del Rey, September 8, 1847. He was promoted to the rank of brigadier general in March, 1861, and the following year was placed in command of the First Corps of the Army of the Potomac. He was twice wounded in the Seven Days' Battles, and May 31, 1862, was brevetted major-general for gallantry and meritorious conduct in the Battle of Fair Oaks. He was again wounded at Antietam. He commanded the right wing of Burnside's army at Fredericksburg. Was relieved from command at his own request and assigned to the Department of Missouri. He died suddenly, March 21, 1863, while on the way to his new command.

[1] Class of 1847, West Point; resigned 1864. Died 1872.

Nebraska to new Fort Kearny, authorised by Act of Congress, approved February 17, 1855, is assigned to you.

The following instructions will be observed during the progress of the work.

The road will be located along the most direct line connecting the two points consistent with due regard to cost of construction, the selection of good points for passing streams by bridges or otherwise, and a supply of wood and water.

The guiding consideration in the construction will be to apply the amount as to make the road practicable for the passage of wagons throughout its entire length; if this can be accomplished for a less sum than that appropriated, then the remainder will be applied to the improvement of those parts which present the greatest natural difficulties and give the least assurance of remaining in repair.

While the best style of road possible should be constructed, no standard should be adopted that will require any expenditure beyond the amount of the appropriation, 50,000 dollars.

It is probable that the streams to be crossed will form the chief obstacles to be overcome; the crossings of these will be carefully selected, with a view to their being rapidly bridged.

It is supposed that this work should be executed in the shortest practicable time; you are therefore authorised, after completing the reconnaissance, and making the estimates, to put the road under construction at once, either by contract for the whole work, or by contract for such portions as may be thus more advantageously constructed; or by contract for the supply of tools, materials, laborers &c either for the whole or such part of the work as it may be found more advisable to have performed under your own immediate charge.

If contracts are made they will be submitted for the approval of the Department, but you will proceed at once to their execution, and if disapproved, the work done, materials supplied, &c will be paid for at the rate agreed upon up to the time such disapproval is communicated to the contractor.

Plans and estimates for all works to be contracted for will be sent with the contracts.

As soon after the location of the road as practicable, without interfering with the progress of its construction, you will prepare and transmit a report and map or sketch showing the line of reconnaissance and of location, and also a profile of the route, if one should be obtained.

The Quartermaster, Subsistence, and Medical Departments will furnish you with such supplies as you may require for your party and as can be spared; such as are not returned in good order will be paid for out of the appropriation for the road at cost price at place of delivery.

The Ordnance Department will furnish you on your requisitions, such arms accoutrements and ammunition as may be necessary. You will pay for such as have been lost, expended or seriously damaged, and turn the remainder in to the nearest Ordnance depot when no longer required.

You are authorised to employ such Assistants and to purchase such minor instruments as may be necessary to carry out these instructions.

Such further directions as may be required for your guidance will be given by the Colonel of the Corps of Topographical Engineers to whom your reports will be made.

Very respectfully Yr obt Serv

JEFFN DAVIS
Secretary of War.

Jefferson Davis to Winfield Scott.

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
Washington May 27, 1856

Brevet Lieut. General W. Scott,
U. S. Army,
New York City,
Sir,

I have received your letter of the 21' instant. The delay for which you make a hypocritical apology has strengthened you to resume the labor of vituperation, but having early in this correspondence, stamped you with falsehood, and whenever you presented a tangible point, convicted you by conclusive proof, I have ceased to regard your abuse, and as you present nothing in this letter which requires remark, I am gratified to be relieved from the necessity of further exposing your malignity and depravity.

Very respectfully Yr obt Serv

JEFFN DAVIS
Secretary of War.

Jefferson Davis to Joseph Henry.[1]

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
Washington June 10, 1856

Professor Joseph Henry,
Secretary &c
Smithsonian Institution.
Sir

I herewith transmit a communication from the Chief of Ordnance respecting the means of obtaining saltpetre for the manufacture of gunpowder, in case the sources of supply from abroad were cut off; and I have the honor to request such information upon the subject as it may be in the power of the Smithsonian Institution to furnish.

Very respectfully, Yr obt Servt
JEFFN DAVIS
Secretary of War.

Jefferson Davis to James Guthrie.

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
Washington June 21, 1856

Hon. James Guthrie,
Secretary of the Treasury,
Sir

I have to acknowledge the receipt of your letter of the 14' instant refusing to comply with my request of the 12' for the suspension of legal proceedings against Major Longstreet by the Collector at Franklin, Texas, on account of his refusal to allow the seizure of corn at Fort Bliss, imported, as is alleged, in violation of the revenue laws. This determination on the part of the Treasury Department has caused me to review the papers, in

[1] Henry, Joseph (1799-1878), a physicist, was born in Albany, N. Y., December 17, 1799, and educated at Albany Academy. He began contributing scientific papers to the Albany Institute in 1824; was chosen teacher of Mathematics and natural philosophy in the Albany Academy in 1826, and soon after began making important discoveries with regard to magnetism, discoveries that were the fore-runners of the telegraph and telephone. In 1832 he discovered a means of intensifying a magnetic discharge; the same year he was chosen professor of natural philosophy at Princeton; and in 1846 he was elected secretary and director of the Smithsonian Institution which had been established that year. From 1868 until his death in Washington, D. C., May 13, 1878, he was annually chosen president of the National Academy of Sciences.

order to judge what course is proper for this Department under the circumstances.

And first I must observe that this Department has taken every precaution in its power to avoid any difficulty between the military officers and the revenue officers along the Mexican frontier. When, in October last, you informed this Department that difficulties had occurred between the collector at Franklin and the military officers, and furnished copies of your instructions to him in regard to the admission of grain imported from Mexico for the use of the troops, copies of these instructions were sent from this Department through the principal Quarter master of the District to every military post, with directions "in all future purchases to conform to the regulations of the Treasury Department." The directions of the Quarter Master General, in transmitting the instructions, were full and express on the point. Instructions were also given to General Smith, commanding in Texas, to take measures to prevent the recurrence of difficulties.

From the collector's report to you of April 22^{d}, and other papers of which you have furnished me copies, the following appears to be the history of the case.

A contract had been made by Lieut. Jackson, Assistant Quarter master at Fort Bliss, for corn to be delivered at that post by a Mr White, for whom a Mr. Hyde was afterwards substituted. Two importations were made under this contract. When the first, consisting of 750 fanegas was made, the corn was regularly entered by Lieut. Jackson, and on this occasion, the collector was informed of all the particulars of the contract as well as of the agreement between the parties, that if any duties were to be paid, they were to be paid by the Quarter master. The collector decided that duties must be paid, and required Lieut. Jackson to pay them, who promised to do so, if, on reference to Captain Mastin, he should be furnished with funds for the purpose. Shortly afterwards, another importation of about 600 fanegas, under the same contract, took place, but in the meantime Lieut. Jackson had left the post, and Lieut. Dodge, who succeeded him, on receiving notice to enter the corn, and repairing to the collector's office to do so, found himself unable to take the necessary oaths, not having himself imported the corn. He, however, also agreed to write to the principal Quartermaster, and, if furnished with funds, to pay the duties.

The commendation which the Collector bestows on Lieut. Dodge, is evidence that this officer was willing to do all that he could to comply with the requirements of the Treasury.

Not receiving payment from Lieuts. Jackson and Dodge, the collector wrote to Capt. Mastin, stating the circumstances and requesting his early attention to the matter, Capt. Mastin replied briefly by referring him back to the Quarter master at Fort Bliss. The collector then determined to seize the corn and obtained a warrant to seize and secure for trial 1320 fanegas of corn, if the same should be found in Fort Bliss.

I beg your attention to the fact, that 750 fanegas of this corn had been regularly entered, and the only question in regard to it was whether this Department was liable to pay duty on it.

The whole quantity was necessary for the use of the garrison, and for a command then in the field depending on Fort Bliss for supplies, and the officer had not the means of purchasing a new supply. Under the circumstances, Major Longstreet, commanding the post, proposed to the collector to take an account or inventory of the corn in store and refer the question to the Department, but the collector refused and insisted upon making the seizure. Major Longstreet refused to permit the seizure, and for this refusal, proceedings have been instituted under your instructions, to enforce the penalty of the Act of 1842, viz: a fine of $5.000. and two years' imprisonment, and you decline to discontinue the prosecution.

Upon reviewing this case, I am constrained to say that, in my opinion, the whole difficulty has been caused by the authority, which your instructions of October 8', without warrant of law, purport to confer on the Collector, making it discretionary with him to admit or not to admit, free of duty, the supplies imported in his district for the use of the troops.

The Act of January 29'—1849 declares that certain articles enumerated "and all other articles whatever imported for" the "use of the United States shall be imported free of duty," but in the instructions of October 8', you say to the Collector "you will take evidence to show the nature of the contract, if any made, with the importers for the supply of the U. S. troops, and if it shall appear to your satisfaction that by such contract the United States has received the benefit of the duties in the Quarter master obtaining the articles by so much less than he otherwise would have been obliged to pay, in that case the article may be entered as free. Without meaning to limit you to any particular species of evidence, I may say that in order to secure to the Quarter master Department the right to free importation, the contract should contain a stipulation to that effect and it should be publicly known to bidders that this privilege would be allowed."

I am aware of no law which authorizes the Treasury Depart-

ment thus to restrict the right of this Department to import supplies for the troops duty free, and make that right depend on the judgment of the collector as to the advantageous or disadvantageous nature of the bargain made by the Government.

The papers show, in my opinion, that the army officers were willing to fulfil any reasonable requisition of the collector, and resisted his authority only when the alternative was presented, either to give up public property which was necessary for the daily support of the troops, or pay away public money for an object not warranted by law. Major Longstreet very justly observes that no "well meaning officer of the Government would proceed to such extremities when there could be no sacrifice of principle or loss to the Treasury by a little delay and proper reference to the Heads of the (Departments).

Under these circumstances this Department cannot permit the officer to suffer for the conscientious discharge of his duty in a case where he was substantially, if not formally, in the right, and should you feel it your duty to persist in the prosecution, I can only regret that the Government will be burdened with the expenses of both sides of the controversy as well as with the payment of the penalty sued for if it be recovered.

Very respectfully Yr obt Servt

JEFFN DAVIS
Secretary of War.

Jefferson Davis to David D. Porter.

(From Letter Books Secretary of War Old Records Division War Department.)

War Department.
Washington June 26, 1856

Lieut. David D. Porter,
U. S. Navy,
Sir,

After fulfilling the orders of the Navy Department, you will proceed, as authorized, with the ship Supply to procure an additional number of camels for the military service of the United States.

It is desirable to procure ten dromedaries of the swift kind from Egypt. Mr. Edmund De Leon, Consul General at Alexandria, has already been written to on the subject, and has been requested to give such aid as he may render, and you may require in obtaining them. After procuring the dromedaries you will complete your cargo at Smyrna with such specimens of the burden camel as seem best adapted to the soil and climate of

the United States, and especially you will avail yourself of any opportunity which may offer to obtain fine animals of the Bactrian variety and complete your list by selecting young camels of the approved crosses.

It is desirable that you should expedite the matter as much as possible so as to reach the United States in the early part of December. Inform me through the mail of your proceedings, particularly when you leave for the United States, so that due preparations may be made for the arrival of the camels.

You will receive, for the purpose of carrying out this experiment, ten thousand dollars, which will be charged to you on the books of the Treasury, and as the War Department is not prepared at this moment to furnish you with letters of credit abroad, you will have to draw the amount here, and make arrangements with some banking house in the United States to furnish you with letters of credit on England, taking certificates at the time, of the difference of exchange, so that it may be allowed in the settlement of your accounts. If you cannot make any such arrangement and find it necessary to turn your funds into such money as will pass current at the places to which you are going, you will exchange for French money at New York, taking certificates of the premium you pay, and the amount will be allowed in the settlement of your accounts. The latter is the least expensive, though not, perhaps, the most convenient mode of arranging the matter.

Very respectfully Yr obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to P. F. Smith.[1]

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
Washington June 27. 1856

Brevet Brigadier General P. F. Smith.
U. S. Army,
Sir

You will receive Special Order No. 67 of this date assigning you to the command of the Department of the West, and in addition to the general duties which that position will devolve upon you, your attention is especially directed to the present

[1] Major General, promoted for gallant conduct at the battles of Churubusco and Contreras, War with Mexico, Died 1858.

disturbed condition of the inhabitants of the territory of Kansas. Enclosed you will find copy of a proclamation of the President of the United States, and of a letter of instructions directed to the commanding officers of Forts Leavenworth and Riley, to which you are referred for the views of the Executive, and for the government of your conduct, in the contingencies therein contemplated, and if, in such contingencies, you should be called upon to use any portion of the troops under your command to aid the civil authorities in arresting offenders, a detachment of troops for that purpose will be directed to accompany the civil officer charged with the process, and to aid him in the execution of his duties, both in making the arrests and in conducting prisoners to places where they may be safely kept by the civil authorities.

In discharging the delicate functions arising from the peculiar condition of affairs in Kanzas, you will carefully abstain from encroaching in any degree upon the proper sphere of the civil authorities, and will observe the greatest caution to avoid any conflict between the civil and the military power.

You will report directly to this Department, and communicate frequently and fully in regard to the progress of events.

Very Respectfully, Your Obt Servt

JEFFN DAVIS

Secretary of War.

Dennis Hart Mahan[1] *to Jefferson Davis*

(From the Library of Congress. Manuscripts Division.)

London, June 27th 1856

Sir,

As the enclosed scurrilous falsehood, from the London Times, has excited no small comment here; and as it is already pretty

[1] Mahan, Dennis Hart (1802-1871), a military engineer, was born in New York, N. Y., April 2, 1802, graduated from West Point in 1824, and was 2nd lieutenant of engineers from July 1, 1824, to January 1, 1832. He was assistant professor of mathematics at West Point, 1824-1825; assistant professor of engineering, 1825-1826; student of engineering in Europe, 1826-1830; acting professor of engineering at West Point, 1830-1832; and professor of engineering 1832-1871. He was elected a member of the Geographical Society of France in 1828; was a member of the board of engineers to determine the route of the Baltimore and Ohio Railroad to Wheeling, in 1850; and was made an overseer of the Thayer School of Civil Engineering in 1871. He was drowned September 16, 1871, near Stony Point, N. Y. Mahan was the author of several treatises and text-books on engineering.

generally known, by my fellow citizens here, that I am the person alluded to in the Times' article, I deem it a duty, both to yourself, as the head of the War Department, and to myself, to state briefly the facts connected with the Times falsehood.

Shortly after my arrival in London, I expressed the desire to Mr Dallas to be presented to the Queen in my official capacity, both as a mark of respect to her Majesty, and from personal considerations which he approved. To avoid any mistake, I sent to Mr P. N. Dallas, Secretary of Legation an accurate description of my official costume, as prescribed in the U. S. Military Academy Regulations, nearly two weeks before the day of presentation. On that day, June 25th, I called, by appointment, on Mr Dallas, and went with him to the palace, into the anteroom where the diplomatic corps and others were in waiting. A short time after our arrival, Mr Dallas came up to me and informed me that my costume, which was strictly that prescribed by our Regulations, was objected to by the Master of Ceremonies, and that I could not be presented without certain changes pointed out. Upon this I stated to Mr Dallas, that I could not consent to be presented in my official capacity in any other dress than that prescribed, and in which I was bound to appear, in the United States, upon all occasions of duty, or of more ceremony. At the same time, I twice distinctly urged Mr Dallas to present two other of my fellow citizens who had come for the same purpose; and that I would wait, where I then was, and retire with him when he came from the Queen's presence. On reflection, Mr Dallas decided, for what reasons I know not, as he did not think proper to communicate them to me, on retiring without going into the Queen's presence.

I have the Honor to be
Sir
Your Ob. Servt
D. H. Mahan,
Professor of Military &
Civil Engineering &c. &c.

Hon. Jefferson Davis
Secretary of War
Washington City

Newspaper Clipping

The article enclosed reads as follows:

When will Americans learn manners? Who shall teach our Transatlantic cousins how to behave? Here is one of them who tried yesterday in defiance even of an etiquette modified to suit

his countrymen, to parade his republican person before the *Queen*, at her Levée, in a frockcoat, black neckcloth, and yellow waistcoat. The thing itself was trivial, but the object was unmistakable. He wished to have it to boast that he had compelled the *Queen* to forego the usages of her Court in his especial behoof. He tried to accomplish this national feat under the wing of Mr. *Dallas*, who, when appealed to, supported his countryman, and left the Palace in a pet. Well! after all, we suppose *Her Majesty* will continue to hold *Levées* in spite of Mr. *Dalla's* displeasure. It is scarcely worth while to confute the absurd pretensions of people which, with the most irritable touchiness as regards themselves, combine the greatest disregard of all decorum towards others. The Queen of *England* says to her subjects and to strangers who visit her in her own house, "I am "happy to see you on all State occasions, but if you come you "will find me gorgeously arrayed to do you honour; return the "compliment, then, and come in your best." She tells her guests in fact, as hundreds of ladies and gentlemen in this country are in the habit of telling their friends, "This is a 'full dress party,' " thereby implying that all who do not choose to observe the rule had better stay away. What should we think of a fellow in private life who, after accepting an invitation to a set dinner, at which everybody else wore full dress, presented himself in a shooting jacket and shepherd's plaid trousers? In all probability, should such a portent appear on the horizon of a gentleman's hall, it would never rise to the upper regions of the drawing-room, for the butler would infallibly show him to the door. Now, this is what the *Queen's* Master of Ceremonies very properly did in the case of an American who, in a frockcoat, yellow vest, and black neckcloth, chose to present himself at *Her Majesty's* Levée yesterday. He knew the usage of the Court, but he preferred to withhold from the *Queen* and her august company the compliment which every gentleman would have rendered. Our American cousins must really learn the good old proverb about "doing at Rome as they do at Rome," and, though they may live at home in the enjoyment of all liberty or license of dress or undress, they must, when they visit these communities, either disguise themselves and their republican prejudices in decent attire on occasions of State solemnity, or forego the greatest delight on which a true Republican can feast his eager eyes—the sight of a live *Queen* on her throne.

Jefferson Davis to H. C. Wayne.

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
Washington July 5, 1856

Major H. C. Wayne (U S A)
San Antonio,
Texas
Sir,

I have received your letter of the 19' ultimo announcing your arrival with the camels in good order at San Antonio, and your intention to remain there some time in camp.

It appears to me that after so long a sea voyage, the animals should be allowed a considerable time to recruit before being put to work. Horses, under the same circumstances, would require many months to regain their full efficiency, and animals of a larger size would require a still longer period of rest.

Very respectfully Yr obt Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to J. G. Barnard.[1]

(From Letter Books Secretary of War Old Records Division War Department.)

(Unofficial)

Washington City July 5, 1856

Major J. G. Barnard,
West Point
New York
Dear Sir,

I have had before me, for some months, your unofficial letter of February 20' expressing your mortification at the failure of the last Army Register to record your name as Superintendent of the Military Academy, and I have delayed answering it, simply from the difficulty I find in stating anything which you do not already know in regard to the subject.

It is the purpose of the Register to represent, as far as can be

[1] Class of 1833, West Point, attained rank of Major General of Volunteers Federal Army in War for Southern Independence. Died 1882.

done, the permanent stations and duties of the officers, and as the matter has to be prepared some time in advance of the publication, the compiler of the Register is compelled, in many cases, to anticipate events, and to state as facts what he has sufficient reason to believe will be facts when the publication shall be made. He, therefore, presumes that all officers, not known to have died, will be then living; that all commissions issued will be accepted; that all orders assigning to command will be carried into effect &c and though errors must and do occur, yet in the whole the usefulness of the Register is vastly improved as a guide for those who have occasion to ascertain the position and duties of officers. As the officer who compiled the Register could have no motive to misrepresent your position, and did so through an error which, under the circumstances, was unavoidable, I cannot see that you have any cause for mortification.

I have not thought it expedient to issue an order correcting the error, but I have directed that in the next army register, an explanatory note be inserted with the correction, which is due to the accuracy of military history.

Very respectfully Yr obt Servt

JEFFN DAVIS
Secretary of War.

Jefferson Davis to W. Barksdale.

(From Letter Books Secretary of War Old Records Division War Department.)

(Private)

War Department
July 11, 1856

Hon. W. Barksdale,
Dear Sir,

I enclose draught of a resolution calling upon the President for certain information respecting the Capitol and Post Office Extensions. The resolution embodies, in words and substance, a call made upon this Department by the Hon. Mr. Ball and other members of the Committee on Public Buildings for information which I declined to furnish because the House had, by resolution requested the President to furnish information on the same subject, and I thought it proper that no additional particulars should be furnished to any member that were not communicated to all. A part of the information asked for is included by the resolution of May 26, and as it is proper that the remainder be

furnished, I have to request that you will offer the enclosed resolution and then give the Department an opportunity to place the answer before the House of Representatives.

Very respectfully,
JEFFN DAVIS.

D. H. Mahan to Jefferson Davis

(From the Library of Congress. Manuscripts Division.)

Paris July 17th 1856

My Dear Sir,

Considering the attempt made by the English and Continental press to vilify the American name, growing out of that pitiful affair at the Queen's levée, I thought it but proper to give you the most minute details of the facts, in my last letter, as well as my impressions. I will now state succinctly, what has been my course, with regard to the other matters I had to attend to.

I took out with me to Liverpool, some copies of our Academy Regulations, Registers of Graduates and Army Registers, intending to send a copy of each with a volume of the Pacific Railroad reconnaissance, to the military schools at Sandhurst and Woolwich. As I did not care to take these with my luggage to London, as they were in a separate package, I addressed them to the Minister of War, Lord Panmure, with a short note, explaining their object, &c &c. To this a reply reached me in due course, at Liverpool, acknowledging their reception &c from one of the clerks of the office. Having a letter of introduction to Lord Panmure from Mr. Kemble, I waited till I got to London to deliver it. A day or two after my arrival, before calling on Mr. Dallas however, I sent my letter and a short note to Lord Panmure, to say where I was stopping, and that I would be found there, *after* a day I named, should any notice be sent me. The *next* day I received a note, from the first private Secretary of Lord Panmure, saying that his lordship was then sick, but desiring me to call at the Secretary's office *tomorrow;* and he would give me any information I desired. As this was a day *earlier* than I had named, I had to put off other engagements previously made, and I went to the office at 12 oClock. The Secretary was not in, but the *second* private Secretary, to whom I showed the Note of appointment, offered to give me the information. I replied that I was much indebted to him, but, having been referred to the *first* Secretary, it was due to him that I

should see him. I waited in the office of the *second* Secretary until one, *a full hour*, and finding then that no one could say when the first Secretary would be in, I left my card, wrote on it the time of my call, and stated I would call the *next day*. This I did and followed it up, *on three successive days*, without finding the first secretary in. So the door porter reported each time to me.

After taking these first steps, I called on Mr. Dallas, told him what my mission was, and what I had done towards accomplishing it. And I distinctly stated to him, that I did so before consulting with him, so that, in the then position of public affairs between the Countries (June 1), I might not embarrass him in any way. I hoped that Lord Panmure would have seen me, and that, in two minutes, I could have said all I wished to say, and have had his decision, which I should have felt, in honor bound, to have kept to myself whatever it might be. In my interview with Mr. Dallas, he asked to see my instructions. I told him they were at my lodgings, but that I would send him a copy of them forthwith. This he said he desired; as, likely to see Lord Panmure before seeing me again, he wished to be *au fait* in the matter. In this interview, Mr. Dallas spoke of the difficulties between the countries, &c. &c. and said, in effect this, "Now Major my advice to you is to return forthwith to the United States. Your services there may be of the greatest importance to the country, and England may lay an instantaneous embargo upon our shipping here, and besides detain all our citizens now here." He then spoke of some movements of the English navy, that seemed to him suspicious; and that he had sent word of them to the officer commanding in the Mediterranean. As I had known M^r^ Dallas when I was a boy, being very intimate with Dallas Bache, in whose family I used to stay when in Philadelphia, and, remembering the tone of quizzing that then was almost a family trait among them, I confess, I really thought M^r^ Dallas was trying this on me; for the whole thing seemed too absurd for one moment's serious consideration. I simply said, I hardly anticipated England would place herself in such a false position in any emergency. That M^r^ Crampton would certainly be sent home, and I hardly thought that the British Cabinet would venture to dismiss him. Here our interview ended, and I sent him an extract from the instructions I had received from Major Barnard early the next morning.

Having a letter to Colonel Portlocke, of the Royal Engineers, Director of Studies &c at Woolwich, I sent it down to him, and

received an invitation to meet him in London at dinner. There I told him what I had done respecting Lord Panmure, because, in his note of invitation, he had also invited me to spend two or three days in his family at Woolwich, and see the Academy at leisure. He then said it would be well to wait to hear from Lord Panmure, and appointed another day for my visit to him. As no word came from Lord Panmure to me, in the mean time, I went to Woolwich. Col. Portlocke, without saying anything to me about what he had done, if anything, gave me one of the usual cards of permission, for me and my party, to visit the arsenal; the party being a Mr Shaw and his wife, whom Col. Portlocke had also asked to Woolwich. As the ticket was for Tuesday & Thursday, and the Col. had invited us without thinking of this, for Friday, I gave the ticket to Mr Shaw, as I had made engagements for the next week; besides I didn't care to give my time to walking through an arsenal, which, if visited for information, demanded quite a different examination. After my visit to the Academy, which I made with detail and care; and satisfying myself that it was *infinitely below* what I could have conceived of, in a school of such long standing, and for such a purpose; not feeling well, and fatigued from too much running about, I went into the county, to pass a few days with a relative of my wife. From here, I wrote a note to Mr Dallas, congratulating him on the turn things had taken, (Mr Cramptons dismissal and his retention) and requested him *now* to take any steps he might deem best to aid me in my objects. I returned to London a few days afterwards. Called at once on Mr Dallas, and had put in my hands a note of which I enclose a copy. Whether the cards spoken of were ever sent, or what took place, I know not; for I heard nothing more from any quarter about my note to Mr Dallas.

Having waited over a week, to see if anything would be said, and wasted nearly five weeks in London, I determined to start for France.

On my arrival here, I called at once on Mr Mason; had a long interview with him, & stated what my plans were. Mr Mason went very particularly into all the occurrences about what had happened to Majors Delafield, Mordecai & Capt. M'Clellan—to Major Wayne—to Capt Benham &c. and concluded, by telling me, that he would rather take no steps to aid me, further than giving me an official statement as to who I was, for our Consuls &c &c and ended, by hoping that, through private channels, from my acquaintances among French officers, I might get all I wanted. As my passport was enough to say

who I was, I did not think it well to trouble Mr Mason to add anything to it, and took my leave. I then left my card on Mr Bonaparte, and some other old acquaintances. Mr Bonaparte kindly called immediately, but I was out. The next day I called, by appointment on him; and, after stating my plans, He said he would give me a *private letter* to the Minister of War, Marshal Oaillant, at the same requesting me, not to mention *to any one* what he had done. This I of course strictly observed; and although General Poneelet, one of my old professors at Metz, offered, whilst I was attending a meeting of the French Institute, to introduce me, there, to Marshal Oaillant, who is a member of it, I got off; as I thought—having left my letter at his office—it would be more discreet to await his action on it; and to know at least that he desired I should be presented to him. The result of this letter to Marshal Oaillant is an order sent to me on Tuesday; a copy of which I enclose. Yesterday, Wednesday, I called on General Bressolles, as directed, and am promised at the earliest moment, orders for my admission to examine all the Schools under the Minister of War.

'I have taken the liberty of addressing these statements to you *as private*, leaving, of course, in your hands, to make them official, as far as you may think best.

I enclose also a letter I addressed to the Journal des Debats. My object was simply to post the falsehood of the Times, as conspicuously as I could, in every capital of Europe. From what cause I know not; but the Times has, within a short time back, changed its tone of abuse to cajolery; as you will see in an article in it about 8th or 9th July. Mr Corbin, who has lived in Europe many years, and, in conjunction with Mr Childs (Colonel Lee's brother in law) writes for it, under the name a STATESMAN, told me, a day or two since, that the Editor, Mr Delaine, spoke of going himself, or sending some able English writer of enlarged views to the U. S., to correspond with the Times and give a fair statement of things there.

With sincere respect
My Dear Sir
Most Faithfully Yours
D: H: Mahan

Honble Jefferson Davis
Washington City

Jefferson Davis to Persifor F. Smith

(From Letter Books Secretary of War Old Records Division War Department.)

Major General Persifor F. Smith
Comdg Dept of the West

War Department
Washington Sept. 3d 1856

Sir,

Your dispatch of 22d August and its enclosures sufficiently exhibit the inadequacy of the force under your command to perform the duties which have been devolved upon you in the present unhappy condition of Kansas by the orders and instructions heretofore communicated. To meet this exigency the President has directed the Governor of the Territory to complete the enrolment and organization of the militia, as you will find fully set forth in the enclosed copy of a letter addressed to him by the Secretary of State; and the President has directed me to say to you that you are authorised, from time to time, to make requisitions upon the Governor for such militia force as you may require to enable you promptly and successfully to execute your orders and suppress insurrection against the government of the Territory of Kansas, and under the circumstances heretofore set forth in your instructions to give the requisite aid to the officers of the civil government who may be obstructed in the due execution of the law. Should you not be able to derive from the militia of Kansas the adequate force for these purposes, such additional number of militia as may be necessary, will be drawn from the States of Illinois and Kentucky, as shown in the requisition, copy of which is here enclosed.

The views contained in your instructions to the officers commanding the troops, under date of August 19', are fully approved, and accord so entirely with the purposes of the Executive as to leave but little to add in relation to the course which it is desired you should pursue. The position of the insurgents, as shown by your letter and its enclosures, is that of open rebellion against the laws and constitutional authorities, with such manifestation of a purpose to spread devastation over the land as no longer justifies further hesitation or indulgence. To you, as to every soldier, whose habitual feeling is to protect the citizens of his own country, and only to use his arms against a public enemy, it cannot be otherwise than deeply painful to be brought into conflict with any portion of his fellow countrymen. But patriotism and humanity alike require that rebellion

should be promptly crushed, and the perpetration of the crimes which now disturb the peace and security of the good people of the Territory of Kansas, should be effectually checked. You will, therefore, energetically employ all the means within your reach to restore the supremacy of law, always endeavoring to carry out your present purpose to prevent the unnecessary effusion of blood.

In making your requisitions for militia force, you will be governed by the existing organization of the army and the laws made and provided in such cases. When companies, regiments, brigades or divisions are presented to be mustered into the service of the United States, you will cause them, before they are received, to be minutely inspected by an officer of your command, appointed for the purpose.

Very respectfully, Yr obt Servt
JEFFN DAVIS
Secretary of War.

Lewis G. Coryell to Jefferson Davis

(From the Library of Congress. Manuscripts Division.)

New Hope 6 Sep 1856

Hon Jefn Davis

My Dear Sir

I am inclined to write you for "Auld Lang Syne" and not from any late inference that any thing from me could be at all interesting—twice I went purposely to Washington to see how matters stood politically & confer with friends upon our fears and hopes.

But were too busy to see me, in fact I rarely see any but the Pre^{s} and M^{r} Dobbin, who always find time to gratify me with a short interview,—I am well aware of the fact that not holding any Office, nothing I could say would be very interesting, or relied upon—

Yet I feel disposed to intrude my Simple views upon this important Crisis of our blessed Union—

In the first place we erred in not taking Gnl Pierce again He had nobly proved himself equal to all we could hope from the President of the U. S. He, or even Douglass would have swept the South, leaving us but 30 more to get from the free States to elect which would have been certain viz

South	118	with a chance for
Cal[a]	4	Con[t]
Illo[s]	11	Ind[a]
Main	8	Penn[a]
N. Jersey	7	N. Ham
		148.

& Elected!

And now how do we stand with Buck

South	118	
Cal[a]	4	
N. Jersey	7	
Ill[o]	11	
Main doubtfull	130	not Elected!!
Michigan no hopes	18	to get from where
Indiana doubtful		
Penna doubtfull *very*	148	
New York no where		

But my Opinions will be of little account, where there are such hoards of Office hunters.

Well I am in for the fight as far as my feeble powers will allow & come what may I will die fighting for our nominee, & my own gallant County the only one who dared to oppose Buck, is sound to the core & every Democrat in it will do his duty

I fear that Saltpetre will not save Penn[a]. Our enemies will surely amalgate & carry the Senate & run as hard for State Officers. Then this fact at the November Elections—over the Union, will exert a potent influence—

Now we ought to decide where we are to get the 30 Votes from and there concentrate our action, every town should poll'd in all those States & let us see how we stand, more action & fewer documents, is my advice to your Washington Com[ty]

Yr fd truly

Lewis S. Coryell

Wm. M. Armstrong to Jefferson Davis

(From the Library of Congress. Manuscripts Division.)

Norfolk Sept[r] 25[th] 1856.

My Dear Sir,

Did you receive my two last letters, If so, I think you must have been as much gratified as myself, for had Caroline have

been indulged in her wishes, for a dash at the White Sulphur, and Rhode Island, this happy result would never have been arrived at. So alls well that ends well, though it Sorely went against her wishes at first.

Her Father and Mother remained here one day and night, and all *things progress fairly.* Mr Leonard will soon follow them out, and if he lives I think he will make a *considerable figure* in public *life,* for he has all the requisites. When we meet, I will give you some small passages—not of arms—but wills, between C & me, I however came off victorious, and She has left my House, a *happier* and *better disposed I am sure to all man kind* than when she entered my door. She in truth is a new being, for I think She was fairly convinced, that some few in the world, are still left, who are not acting a part on selfish grounds.

My Wife recd a letter from her this morning from Columbia South Carolina, they had gone on that far pleasantly and without accident. They left here on the 19th and Mrs Davis told me they thought of stopping there a few days to see some friends.

When here, your brother told me, he had reason to *think, justice* would be done to *me,* I trust this may be so, for it rests with Mr Pierce to do it to-day, as well as three months hence, had I have seen him—or even Mr Dobbin and laid all the facts I am in possession of before them, I think that in my case, and many others, they would have seen deep wrong had been done.

I see that one of the immortal 15 has resigned, no doubt with a very bad conscience, Lt Biddle, When all the facts come before the publick, some of them will feel more like hanging themselves, only yesterday I recd a letter from a friend in Washington telling me that my dear friend Prendergast was subject to epileptic fits, Years ago when on the Brazilian Station Commander Barron told me he had great fears for him, from letters received from him. Now this is the man selected with many on the same Board to pass on me, and nearly all rank Whigs at that. Certainly Mr Dobbins example, will not make many accessions of Democratic votes for the coming election—as I told you before, every Captain & Commander of that creed were struck down on this Station, and the country torn and distracted as it is. God help her out of the horrors of the present crisis. Present me kindly to your Lady, and believe me

Most. Truly. Your's
Wm. M. Armstrong

Hon. Jefn Davis
Sectry of War.

Andrew Jackson,[1] *Jr., to Jefferson Davis*

(From Confederate Museum, Richmond.)

Hermitage Sept. 30th, /56.

Hon^ble J. Davis,
Sec'y of War,
Dear Sir,

This will be handed you, by my nephew—Mr. A. J. Adams—a young man that I have raised, and educated from a child—he is a boy of fine mind, steady, and sober, and honest—of good business habits—and writes a good hand.—

His widowed Mother—lives with us—and takes a deep interest in his welfare—and a sister of my wife—If it is possible Col. to confer a clerkship upon him—you will greatly oblige—your friend—& the widow—& my family—&c &c

I remain respectfully yr
friend & obt. Ser^t
(Signed) A. JACKSON

Jefferson Davis to Henry A. Wise[2]

1856, October 6, Washington, D. C.

By a note from our friend Senator Mason, I have learned your wishes in relation to the flint lock muskets now in possession of Virginia. And that you may have early and full information I write to you directly. Of the correspondence of your Adjutant General with the Ordnance Bureau I suppose you are already informed.

The existing law does not authorize or warrant upon any

[1] Adopted son of Gen. Andrew Jackson.

[2] Wise, Henry Alexander (1806-1876), a soldier and politician, was born at Drummondtown, Va., December 3, 1806, graduated from Washington college, Pa., in 1825, was admitted to the bar in 1828, removed to Nashville, Tenn., the same year to practise, but returned to Accomac County, Va., in 1830. He was a member of the national House of Representatives from December 2, 1833, to February 18, 1844; Minister to Brazil, 1844-1847; delegate to Virginia constitutional convention in 1850; and governor of Virginia 1856-1860, effecting the capture and death of John Brown in 1859. As a member of the Virginia secession convention in 1861, he opposed immediate secession. He, however, joined the Confederate army as brigadier general, formed the "Wise Legion", took part in the campaigns of western Virginia, the fighting around Richmond, and was present at Appomattox. He died in Richmond, Va., September 12, 1876. Wise wrote Seven Decades of the Union. 320 pp. Philadelphia, 1876. Consult B. H. Wise, The Life of Henry A. Wise of Virginia, 434 pp New York, 1899

terms an exchange of the arms of the General Government for those which have been issued to the States. The only function of the Executive Officers of the United States in relation to arming the Militia of the States is the distribution among the States and territories of the arms for which an annual appropriation is made. In discharging this function it has been deemed competent to issue to the States the kind of arms which their Governors should designate, as muskets, rifles, pistols, sabres, or field pieces, and to measure the issue thus made by the number of muskets to which it was equal. In like manner arms might be altered at the U. S. Arsenals, or parts supplied for alteration in the State Arsenals to an extent not exceeding the value of the State's quota of arms which might at the time be due. This is the only way in which, under existing law and regulation, the War Department could aid in the alteration of State Arms. And it is so very slow a process that the attention of Congress was called to the subject at the last session for the purpose of obtaining authority and means to effect the work more rapidly. Had these been granted it was designed in the shortest practicable time to convert all the serviceable flint lock muskets and rifles of the States and also of the General Government into rifle arms with percussion and self priming locks.

I deemed the measure important, and regret that the appropriation was not made.

Should you wish to have your arms altered in the State Arsenal, and to draw from the Government the necessary parts for that purpose, they will be furnished to the extent already indicated; or should you choose to manufacture the parts, samples can be furnished of flint lock muskets altered to long range rifled arms with percussion self priming locks, according to the plan it was intended to follow in altering the state arms had the means been provided.

The cost of altering the flint lock arms so as to merely adapt it to the use of the percussion cap is estimated at about 90 cents apiece. The cost of altering the same arm to the percussion self priming lock with new breech piece about $3 47 each. The additional cost in either case converting the musket into what is commonly called the "Minnie" rifle, by grooving and sighting for long ranges about $2 05.

You will thus perceive that each musket to which a state is entitled if commuted, will be equivalent to the cost of altering from flint lock to percussion merely 14.4 flint muskets. Of altering to the percussion cap lock and rifling, and sighting

for long ranges 4.4 flint muskets. Of altering to the percussion self priming lock 3.75 flint muskets. Of altering to the percussion self priming lock and rifling and sighting also 2.35 flint muskets.:

It will give me much pleasure to aid or facilitate your wish in this matter in any manner and to any degree consistent with my official obligations.

I am, &c
JEFFERSON DAVIS

Jefferson Davis to J. W. Webb[1]

(From the Library of Congress. Manuscripts Division.)

Washington, D. C.
Oct 29, 1856

Genl. J. W. Webb

Dear Sir,

I have received your paper of the 25th inst. and have read your prompt and manly repudiation of a scandalous article against myself which had been imposed on the editorial column of your naper of the 22[d] Inst. For this act of generosity towards a political opponent and for the personal confidence in me which led you at first sight to stamp the counterfeit uttered against me, I offer you my sincere acknowledgements, not the less because of the absence of any claim on my part—either personal or political.

Though an attack at the same time secret and false is entitled to no consideration as such conduct marks the author as unworthy of notice, it seems proper under the circumstances that to my acknowledgements I should add a brief statement to show you how utterly unfounded were the statements of the writer, who slipped his manufacture into your editorial column. No "Northern Gentleman" has at any time sent to me a "defiance," or in answer to my demand proposed to me to fight him with "regulation muskets" or with any other specified weapon. But once has it been my misfortune to have a hostile correspondence with a "Northern gentleman" and in that case my demand for satisfaction for a supposed offence after being accepted but before the terms of a meeting were proposed, was met by an explanation which was deemed satisfactory and our amicable relations were restored.

Very respectfully
Yrs. &c.

[Indorsed by Gen'l J. W. Webb]

[1] Army officer, resigned in 1827 with rank of regimental adjutant; died 1884.

Jefferson Davis to William S. Harney

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
Washington November 4, 1856

Brevet Brigadier General Wm. S. Harney,
Comdg Dept of Florida,
Fort Myers,
via Tampa,
Florida
Sir

On your arrival in the Department of Florida, you will receive from Colonel Munroe full information as to the views and wishes of the Department, from time to time communicated to him: and from Capt. Casey, especially charged with the duties of emigrating Agent, statement of the supplies and funds available for the removal of the Seminoles, and of the instructions which have been given to him in relation to the policy of the Government, and the course to be pursued in connection with the removal of these Indians from Florida to the homes provided for them in the West.

In addition to the directions given for the payment of a certain amount, for each Indian delivered to the emigrating Agent, whether by citizens or soldiers, it is further provided that a like sum may be paid to any Indians who voluntarily surrender themselves and who actually embark for emigration.

The treaty with the Creeks and Seminoles in August last, copy of which is herewith enclosed, contains various provisions for the comfort and well-being of these Indians in their new homes in the West, and you will find a special clause in relation to a separate tract of land to be set apart for the Seminoles of Florida, by arrangement to be made with the Seminoles of the West. This, it is hoped, will remove any apprehension or reluctance which they may have to being united with those of their tribe from whom they have been separated by circumstances which may have destroyed the friendly relations which once existed between them. To the inducements to be found in the treaty, you may safely add assurances of a desire on the part of this Government to protect and cherish them in their new homes so long as they remain on terms of friendship with the whites; whilst, on the other hand, they must expect the fixed determination of the Government to remove them from Florida to be finally executed.

Should you find that the old chief Sam Jones desires, with his family, to sever his tribal connection, and to remain in Florida upon a home secured to him by reservation of sufficient extent for the purposes of cultivation and fishing, and that, in this manner, his good will and cooperation in the removal of the tribe can be secured, you are authorised to offer him such terms, and in the event of their being accepted, it will be necessary, in closing your operations, to make a treaty of such formal character, that it may, if necessary, be submitted by the Executive to the Senate for ratification. As it is not improbable that on account of old offences against the Seminole tribe, there may be other heads of families who dare not emigrate, and whose good will and future friendship may be secured by a like treatment, you are authorised to extend the terms indicated in the case of Sam Jones, to them, under the same conditions therein set forth. It is however expected that the whole number will be kept down to the lowest practicable point, and in no event exceed an aggregate of twenty five, men, women, and children.

By the enclosed correspondence you will perceive what measures have been taken to secure for cooperation with you a delegation of Western Indians. In the mean time it is hoped you may be able to find, among the citizens of Florida, hunters and woodsmen who will serve a valuable purpose as guides, especially in following the trails of retreating parties.

The Department desires the most vigorous prosecution of the campaign, and will furnish you with any additional means or force you may require which it has the power to render available. Having entire confidence, not only in your zeal and capacity as a soldier, but also in your special knowledge both of the enemy and the country included in your operations, you are left to the freest exercise of your discretion in the plan and conduct of your campaign.

Very respectfully Your Obt Serv—
JEFFN DAVIS
Secretary of War.

Jefferson Davis to Franklin Pierce

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

War Department,
Washington, November 14, 1856.

Sir: In reply to your inquiry of the 12th instant, I have to report that General Scott, on his return from Mexico, rendered

an account to this department, under date of July 15, 1848, in which he charged himself with various sums, amounting to $261,691 30; a copy of this portion of his account is hereto annexed. In the same account he took credit for sundry disbursements, amounting to $255,291 45. In the corrected accounts recently rendered, he added an item of $250, which has been admitted to his credit, making his disbursements $255,541 45. The balance unexpended was, therefore, $6,149 86, and this sum I have to report as that retained by General Scott out of the moneys entered to his debit in his account above referred to.

Very respectfully, your obedient servant,

JEFF'N DAVIS,
Secretary of War.

To the President of the United States.

[Endorsement.]

In the settlement of General Scott's account, he is hereby authorized to retain the entire sum of six thousand one hundred and forty-nine dollars and eighty-six cents. F. P.

Jefferson Davis to Robert McClelland

(From New York Public Library.)

Hon. R. McClellan

My dear Sir,

Permit me to introduce to you my friend F. C. Mercer of Missi: who as agent for the state has some business with your Dept. which he will explain to you. Any attention which it may be in your power to show to him will be received as a personal favor by your friend

JEFFN: DAVIS

Nov. 15, 1856

Endorsed:

Davis ....

Nov 15/56

Jefferson Davis to R. McClelland

(From Letter Books Secretary of War Old Records Division War Department.)

Hon. R. McClelland, War Department

Secretary of the Interior, Washington Nov. 22d 1856

Sir,

I have the honor to acknowledge the receipt of your letter of the 15' instant in reference to sending a delegation of the

Seminoles West of the Mississippi to those in Florida for the purpose of inducing the latter to remove to the new home provided for them.

To insure the peaceable removal of the remaining Seminoles in Florida to the country set apart for them West of the Arkansas, it is deemed important that a delegation of Western Indians, not to exceed in all fifteen, to wit: five from the Creek nation and ten from the Seminoles, should proceed to Florida to cooperate with the commanding general in the Department of Florida for the purposes referred to. The Commanding Officer of Fort Gibson will be directed to detail a suitable officer of the Army, who will be instructed to confer with the Agent of the Creeks and Seminoles and to take charge of the delegation.

In view of the importance of the subject and the difficulties which surround it, it is much to be desired that the delegation should be selected with great care, due regard being had to the character and standing of the men of which it is to be composed, and especially in respect to their ability and willingness to accomplish the task confided to them. The sum of fifteen hundred dollars from the appropriation for the removal and subsistence of Seminoles will be advanced to the officer having charge of the delegation for the purpose of providing transportation and subsistence on the journey.

The inducements presented by your treaty with the Creeks and Seminoles will, it is hoped, be sufficient to secure their cooperation in the work to be performed.

Very respectfully Yr obt Servt
JEFFN DAVIS
Secretary of War.

Jefferson Davis to Franklin Pierce

(From Senate Ex. Doc. No. 1, 34th Congress, 3d Session.)

REPORT OF THE SECRETARY OF WAR

War Department,
December 1, 1856.

Sir: I have the honor to submit the following report of the operations of the army for the past year, and to lay before you the reports of the several bureaus of the War Department, and communications from other officers of the army.

The authorized strength of the army, as now posted, is 17,894.

The actual strength at the date of the consolidation of the returns, July 1, 1856, was 15,562. The number of enlistments made during the twelve months ending September 30, 1856, was 4,440. The number of persons offering to enlist, but who were refused on account of minority and unfitness for service, was 5,594. The number of casualties in the army, by deaths, discharges, and desertions, during the year ending June 30, 1856, was 6,090; of which 3,223 were by desertion.

The accompanying tables exhibit the distribution of the troops in the several military departments. During the past year the department of the Pacific has been reinforced by three companies of the 1st dragoons and the 9th regiment of infantry. A post has been established at Tucson, New Mexico, for the protection of the valley of the Santa Cruz, and the restraint of the Indians north of the Gila, and is at present garrisoned by four companies of the 1st dragoons. The regiment of mounted riflemen, in consequence of threatened hostilities with the Navajo Indians in New Mexico, was ordered, in June last, to that department from Texas. Two companies of the 2d dragoons and the 2d regiment of infantry occupy the posts located on the Upper Missouri at the close of the late campaign against the Sioux Indians.

An expedition has been sent to the northern boundary of Minnesota Territory for the purpose of acquiring information respecting that region of country and the Indians residing there, upon whom it was supposed the appearance of a body of troops among them would exercise a beneficial influence. The knowledge thus gained will determine the most eligible site for a military post in that quarter, should it hereafter be deemed advisable to establish one.

The Indian difficulties on the western plains have been successfully terminated, except those with the Cheyennes.

The troops designated and held in readiness during the past summer, for campaign against them, it was hoped and believed would not only have reduced that particular tribe to good order, but would have sufficed to insure as much of peace and security to transient persons over all the plains north of Red river and west of the Missouri as is compatible with the continuance there of wandering uncivilized tribes.

In Texas, though the amount of military force has been reduced within the past year, we have had reason to congratulate ourselves upon less frequent disturbances than have existed for some years past; but owing to the fact that the State of Texas owns all the land, with the exception of the two small reserva-

tions recently made, the Indians of that State are without any permanent home; and the control which can be exercised over them, under those circumstances, can never be sufficient either to give security to the whites, or in any material degree to ameliorate the condition of the Indians. Could the fragmentary tribes in Texas be removed to lands owned by the United States north of the Red river, a great reduction would be made in the expenditures now required in Texas for the maintenance of many military posts, which would then become wholly useless, whilst a great service would be rendered to the development of the resources of that State; and surely better prospects would be offered for the improvement of the Indian tribes.

The Indians within the limits of the department of New Mexico have generally observed their treaty stipulations. Occasional depredations have been committed by them, but none, it is believed, of a serious nature, or indicating any settled hostility on their part.

The Indian hostilities existing in Oregon and Washington Territory at the date of the last annual report from this department, which threatened to be of a very formidable character, have been generally suppressed. A combination embracing most of the tribes inhabiting those Territories was entered into, and the extermination of the whites seemed to be their purpose; but the military expeditions sent against them have been conducted with much energy, and have been so far successful that, with a few exceptions, their hostile demonstrations have ceased. The disturbances on Puget's Sound and in the Rogue River valley are reported as terminated; and it is hoped that the tribes in and about Walla-Walla valley, between whom and the troops a collision recently took place, will speedily be brought to terms.

Military positions have been occupied in the country recently in possession of the Indians, and judicious movements of the troops will, it is believed, prevent any outbreak of a general nature hereafter.

Much information respecting the origin and progress of this war was communicated to Congress at its last session, and published in Senate Documents Nos. 26 and 66, and House Documents Nos. 93 and 118. The reports of subsequent events contain full information respecting the transactions.

The possessory rights secured to the Hudson's Bay and Puget's Sound companies leave, in this portion of our Territory, traders and others who possess great influence over the Indian tribes, but owe no allegiance to the United States. It will be

readily perceived that preceding and during hostilities such persons cannot be expected to pursue any other course than that which would preserve to them the trade and good will of the Indians, and, therefore, that their presence cannot be otherwise than detrimental to the control of the United States over those tribes. In this connexion, it may not be inappropriate to suggest the propriety of speedily extinguishing such possessory rights.

I regret to state that the efforts of the department have thus far proved unavailing to effect the removal of the Seminole Indians remaining in the peninsula of Florida to the new home provided for them west of the Mississippi river. These Indians have within the past year given repeated evidence of their hostility, and the department has made the necessary arrangements to carry on a vigorous campaign against them during the present season. As large a force as the demands of the service in other quarters will permit has been concentrated in Florida for this purpose, consisting of four companies of the 1st artillery, ten companies of the 4th artillery, the 5th regiment of infantry, and a limited number of volunteer militia, all under the command of Brevet Brigadier General Harney.

The expense and embarrassment to the military service resulting from the present policy of locating posts in advance of settlement, and long emigrant routes across the continent, continue to be seriously felt. It is manifested in the large amounts required for transportation, and in the small garrisons found at most of the posts.

A policy adopted to subserve the purposes of a given case suggests a revision with every material change of circumstances. When from the communities originally established along the Atlantic slope of the United States industrial emigrants went forth to penetrate the wilderness of the Mississippi valley, they found on every hand a fertility which invited to agricultural labor, and each settlement soon became productive of all the necessaries of life. Military posts advanced with the progress of the pioneer, and whilst the one afforded protection, the labor of the other soon furnished the supplies required for subsistence. The general fund of the United States was indemnified for expenditures to support these advanced military posts by the results which followed from the appropriation and the cultivation of its wild domain. If we have now passed the limit of general fertility, and pushed our military posts into a region where they can never be surrounded by an agricultural producing population, then the circumstances have so materially

changed as to call for a revision of the policy which was founded upon a different condition of things, and connected with results which are no longer attainable. The reports of reconnaissance submitted by the War Department within the last two years have given such general and detailed accounts of the character of the country between the Mississippi river and the Pacific ocean as to render here unnecessary its further geographical description. Those reports sufficiently show that, with few exceptions, the country lying between the one hundredth meridian of longitude and the coast-range of mountains overlooking the Pacific ocean, is not susceptible of cultivation without the aid of artificial means, and that the country can probably never be covered by agricultural settlements. A limit has, therefore, been reached, beyond which civilization has ceased to follow in the train of advancing military posts, and the service and support of the military peace establishment is essentially altered. A new post, established in the desert region to which I have referred, does not become the nucleus of a settlement from which, in a short time, the provisions and forage can be drawn, and the expense for transportation thus reduced to the necessary supply of clothing, groceries, implements, and munitions, but all the heavy articles of subsistence must be procured at a remote market and transported to such frontier posts. Nor is this the only difference; for to this increased amount of transportation is also to be added the difference between the expense of transporting along navigable rivers or over roads through continuous settlements, and that of passing through a desert region where no supplies or assistance are to be obtained, and no roads to be found except those built by the United States, the combustible structures of which are at all times liable to be destroyed by the nomadic tribes who inhabit the country. Without entering more minutely into detail, it will be seen why the cost of transportation has increased so greatly within a few years past, and why efforts, by rigid economy, to reduce the general expense for the army, must prove unavailing until the character of the service required of it has been radically modified. The views presented in relation to the inutility of military posts in this desert region, as connected with the development of the resources of the country, have been expanded in their application by the military reconnaissance referred to, but do not rest upon that species of evidence alone.

The settlement of the Territory of New Mexico was begun long anterior to that of a large portion of the populous districts of the United States, yet to this day cultivation has extended

but very little beyond the narrow valleys of the Rio Bravo and the Santa Cruz; and though Forts Laramie and Kearny, on the Oregon route, were established more than eight years since, no agricultural settlements have grown up around either, and thus are the conclusions drawn from the reports of reconnoitering parties as to the general character of the country satisfactorily confirmed. Though we have been in the habit of believing that the great basin of the Territory of Utah presented a fertile oasis, recent events have furnished much reason for doubt as to its capability to sustain any considerable population depending from year to year on the agricultural products which each year's cultivation affords. Assuming, then, that the limits of the fertile regions have been sufficiently well ascertained, and that future operations should be made to conform to the character of the country, the true interests of the public service would seem to suggest important modifications of the policy which heretofore directed the employment of the military force. Instead of dispersing the troops to form small garrisons at numerous posts where they exhibit only weakness to a savage foe, it is suggested that within the fertile regions a few points accessible by steamboats or by railways should be selected, at which large garrisons should be maintained, and from which strong detachments should annually be sent out into the Indian country during the season when the grass will suffice for the support of cavalry horses, and beasts of draught and burden. These detachments would be available both to hunt up and chastise those tribes who had committed depredations, and by passing along the main routes to California, and Oregon and Washington Territories, would give the needful protection to emigrants during the season of their transit. Experience has shown that small posts are nearly powerless beyond their own limits. Some of the most flagrant depredations have been committed on parties in the vicinity of such military posts, and their inability to pursue and punish the offenders has tended to bring into disrepute the power and energy of the United States, whose citizens were the victims of predatory attacks. Indeed, it is quite supposable that these posts, being fixed points in the route of emigrants, afford the Indians the opportunity of observing each train which passes, and thus enable them to determine upon future operations.

Cavalry cannot be sustained in a state of efficiency unless provided during the winter with stables, grains and hay. At some of the remote posts even the material for construction must be transported a great distance, and the forage can only be fur-

nished at prices which extreme necessity alone will justify. For example: corn delivered at Fort Laramie costs about five dollars a bushel. Infantry garirsons are less expensive, because less forage is required; but, under such circumstances, neither can be sustained except at great cost.

It may be proper further to consider the comparative value of troops thus distributed, and of those serving by detachments from large garrisons quartered in eligible positions. If sufficient garrisons were kept at all the posts now established for the purpose of making expeditions at any time from them among the neighboring tribes, which would require a very considerable augmentation of the present military establishment and a commensurate increase of appropriations for its support, it is not believed that they would be equally effective with marching detachments of the same numerical strength. Their position would be known, their preparations for taking the field would be observed, and a considerable force would necessarily be left behind for the protection of the public property at each military post. The instruction and discipline in quarters would be inferior to that of large garrisons, and the capacity of the troops suddenly emerging from quarters to begin the forced marches of pursuit would be less than that of men inured by a long march and frequent bivouacs to bear fatigue and protect themselves against exposures incident to service in the field. The policy of distribution as at present pursued also involves the frequent construction and abandonment of posts, and with such garrisons as we may expect to have with the present or probable size of the army, involves the employment of all the troops for long periods at constant labor, alike injurious to military instruction and the contentment of the soldier. His compensation at such times is far inferior to that of the common laborer on the frontier, and the prospect of abandoning the position soon after he has made it comparatively comfortable leaves him without an adequate inducement for the sacrifice he is called on to make. A laborer without pay or promise of improvement in his condition, a soldier without the forms and excitement of military life, it is hardly to be wondered at that this state of things should lead to desertion, which has become so frequent as to be one of the great evils of the service. Under the other policy which has been suggested, the troops would be comfortably quartered in the midst of civilization, their summer campaigns would be the field practice of their profession, the temporary dangers and toils of which give zest to a soldier's life; and if to these be added the prospect of a return to the

comforts, associations, and means of instruction of a large garrison at a well-established post, it is not seen why the service could not be rendered attractive to persons of military spirit, and it is believed that the efficiency of the troops would be increased proportionally as the expense of supporting them would be diminished.

The occupation of Algeria by the French presents a case having much parallelism to that of our western frontier, and affords us the opportunity of profiting by their experience. Their practice, as far as understood by me, is to leave the desert region to the possession of the nomadic tribes; their outposts, having strong garrisons, are established near the limits of the cultivated region, and their services performed by large detachments making expeditions into the desert regions as required. The marching columns been sufficiently strong to inflict punishment wherever it is deserved, have inspired it is said, the native tribes with such respect for their power that it has seldom been found necessary to chastise any tribe a second time.

As our present policy rests upon various acts of legislation and the concurrent views of several preceding administrations, a change as radical as that which is here suggested should receive critical examination, and, perhaps, require legislative action before being adopted. The department, if left to the free exercise of its judgment, would have abandoned the policy at present followed, by adopting a few eligible positions, easy of access, and in the midst of a region so productive as to sustain large settlements, from which the bulk of the supplies of the garrisons could be drawn.

More than the usual number of resignations within the past year give evidence of a defective organization, of a policy injurious to professional pride, and of the necessity of increased compensation. Whilst the hard service and frontier stations of the officers of the army require of them sacrifices which no other officers of the government are called upon to make, the expense of living has been greatly augmented, and their pay is nearly the same as that which was fixed more than fifty years ago. There is surely no economy in a practice which must, in the end, drive the more active and intellectual from a service which they adorn, and in which their country specially requires them, to seek a competent support in some other pursuit. As little does it accord with the spirit of generosity or justice to ask at their hands the sacrifice which so many of them make to professional pride and habitual love for their country's service and their country's flag. But little can be hoped until radical

changes can be effected, such as can only be suggested after a minute study by the Executive who shall have the good fortune to find the legislative branch prepared to co-operate with him, both in the investigation and the application of a remedy to those evils which belong to changes with which the legislation has not kept pace.

Though special acts have, from time to time, made provisions for the widows and orphans of officers and soldiers of the army who have lost their lives in the discharge of their duty, no such general provision has been made for the army as that which subsists in relation to the widows and orphans of officers and seamen of the navy. If there was ever a just ground for this discrimination, it is believed that it no longer exists. Whilst the army has no claim to be paid by its government for the capture of the public property of an enemy, large sums have, from time to time, inured to the benefit of our government from that source; and the policy which encourages to deeds of daring in naval warfare by the assurance that the brave sailor who falls in maintaining the honor of his country's flag, leaves in his government a protector and guardian to the family deprived of his support, is certainly, in principle and degree, equally applicable to the soldier, who perils his life in the same cause, and, without the chance of being enriched by pillage, incurs the hazard of leaving his wife and children to want. I would, therefore, again recommend that such legislation be asked as will place the widows and orphans of officers and soldiers of the army on the same footing, with respect to pensions, as those of the officers and seamen of the navy.

I have so often brought forward the necessity of provision by which disabled officers should be retired from active service, that I should be deterred from again repeating it, but for the conviction that it is indispensable to the efficiency of the army, and that each year but renders greater the injury to the public service, resulting from the want of the measure heretofore recommended.

I have to renew the recommendation heretofore presented for such legislation as will give certain and permanent rules for the determination of rank and command, than which nothing is more necessary to secure harmony and efficiency in an army. The act of September 20, 1776, known as the "rules and articles of war," was originally reported by Mr. Jefferson and Mr. John Adams. The latter gives, as a reason for their adoption, that "there was extant one system of articles of war, which had carried two empires to the head of mankind—the Roman and

the British—for the British articles of war were only a literal translation of the Roman, "and cites as an "observation founded in undoubted fact, that the prosperity of nations had been in proportion to the discipline of their forces by sea and land."

The commendation bestowed by such high authority upon the system then adopted, in connexion with its real merit, may have protected it from future criticism and innovation; and did the circumstances which now surround us continue to be the same as at that time, I should not venture to recommend a legislative revision. But as changes have occurred which give new application to the terms then employed, the necessity is exigent and evident, either for the revision of the subsequent laws, which affect the rules and articles of war, or for a modification of those articles, so as to make them conform to the requirements resulting from subsequent legislation and altered circumstances.

It is true that a revision of the original act was made in 1806, but it contained no important alteration; and since then various acts of legislation, changing the organization of the army, have given rise to questions of construction, and created such radical difficulties in the application of the original rule that further legislation can alone furnish an adequate remedy. For instance, the law known as the rules and articles of war recognizes three kinds of commissioned officers, viz: those of the line of the army, of the marine corps, and of the militia. It is scarcely to be doubted that the phrase "line of the army" meant the army of the confederation, and included all its officers, whether staff or regimental. But subsequent legislation, creating special corps or departments composed of officers whose duties do not involve the command of troops, has given rise to, and perhaps produced, a necessity for a construction of the phrase "line of the army," which places regimental and staff officers in a relation inconsistent with the general principles of subordination, and which must sometimes seriously embarrass, if not defeat, the great purposes of a campaign. Believing that officers of the army should, with as few exceptions as practicable, have rank effective for purposes of command, I have heretofore presented a proposition for reorganization, which, among other things, was designed to secure generally to officers of the staff that knowledge which can only be acquired by the performance of company and regimental duty. To the views heretofore communicated, in relation to the reorganization of the army, I have only to add that additional experience has but confirmed them.

In the last annual report I called attention to an existing abuse in the discharge from the army of persons who, having

represented themselves to the recruiting officers as being of mature age, had, after enlistment and transportation to distant posts, brought forward evidence sufficient to require their discharge, under the provision of the act of September 28, 1850, which directs that "it shall be the duty of the Secretary of War to order the discharge of any soldier of the army of the United States, who, at the time of his enlistment, was under the age of twenty-one years, upon evidence being produced to him that such enlistment was without the consent of his parent or guardian." The regulations of the recruiting service provide carefully devised checks against the enlistment of minors; and if deliberate frauds are practised upon recruiting officers, it is submitted whether legislation should not provide a penalty, rather than attach a premium to its successful perpetration. Experience has shown that the practice is increasing, and the last year furnished examples of its repetition by the same offender. Should a recruiting officer, from neglect or otherwise, enlist a minor so immature that a bare inspection would expose the fact, it is fair to assume that upon proof being submitted, the Secretary of War, besides holding the officer to strict account, would order the discharge of the minor on the application of his parent or guardian, though there should be no mandatory provision of law to require it. But if he should fail in this, in any case so clear as to present an instance of real hardship, it is not to be doubted that an appeal to the civil courts would give adequate protection to the rights of the parent or guardian.

The annual estimates being for the current expenditures, presuppose an annual settlement of all accounts, but it is well known that delays occur for a much longer period, and appropriations for the current year are not unfrequently charged with the settlement of accounts of many years standing. As long as this practice continues, deficiencies must arise, for which the department preparing the estimate is in no degree responsible. It is believed that, as an administrative policy, it would be more wise to require all such arrearages to be grouped with expenditures resulting from unforeseen contingencies, and for which the appropriations were inadequate, into an annual deficiency bill, where an exact account should be rendered of each item of additional appropriation asked for.

To simplify the accounts of disbursements in the military service, and to expedite their final settlement, I have heretofore repeatedly recommended that instead of being arbitrarily divided, as they now are, between two auditors, they should be concentrated at the office of one; and I have to renew the

recommendation that an accountant be authorized for the War Department, as the means of securing uniformity in decisions upon that class of questions which, resting upon military usage and the records of the War Office, are necessarily referred to it, and decided by the Secretary of War according to the nature of the case.

Attention is again called to the want of legislation upon the subject of military sites, and the recommendations in my last annual report in that respect are renewed.

The great improvements recently made in small arms, whereby their effective range has been much increased, must, to a considerable extent, supersede the necessity for cannon of small calibre. This consideration, added to the heavy expense attending the maintenance of light batteries in a state of efficiency, has induced the department to limit the number of such batteries to four; and for the purpose of instruction in the use of garrison, sea-coast and siege guns, to assemble one company from each regiment of artillery at the fortification best adapted to experimental firing according to the various modes which the contingencies of active service may demand.

The report of the Colonel of Ordnance is referred to for detailed information in regard to the operations of that branch of the military service under his charge. With the limited means furnished by the appropriations for the year, progress in providing armament for the fortifications, in the manufacturing of small arms of the improved models, and in applying the recent improvements to those of the old model, has necessarily been slow. The fortifications now under construction, and those authorized to be constructed, will require for their armament about 23,000 pieces of ordnance and 3,000 gun-carriages in addition to those at the forts and arsenals. To procure these and to supply each mounted piece at the forts with one hundred rounds of ammunition will, at the usual rate of appropriations, require a period of forty years; but many fortifications not yet commenced or even projected will no doubt be built within that period, so that at the end of the time stated our armament will not probably be more complete than it is at present. It requires no argument to show that fortifications without guns are worse than useless, and guns will have only a part of their value without fortifications. It is therefore evident that armament should keep pace with fortifications, and the latter progress with the necessities for defence. I recommend more liberal appropriations for this object and have estimated accordingly.

The use of wrought iron instead of wood, as a material for

gun carriages has engaged the attention of the Ordnance department. The durability of this material for gun carriages, especially for a country which may expect to enjoy such long periods of peace, that wooden ones would decay before being required for use, justifies their trial under all circumstances of exposure, and I have directed the proper experiments to be made for determining the fitness of wrought iron for the purpose.

The subject of mounting, in certain positions covering narrow channels, guns of large calibre, to throw hollow projectiles of great diameter and weight, containing sufficient charges of powder to render a single one destructive to any vessel into which it may penetrate, has been examined in connexion with the relative efficiency and destructiveness of such guns and those of the largest of our adopted calibres. Experiment can alone determine whether it is advisable or not to adopt the proposed increase of calibre, and to what extent, and special estimates will be made for the purpose.

In order to simplify our field artillery and at the same time to increase the range and power of that arm, preparation is in progress for trial by the light artillery companies of four batteries of light twelve pounders. These guns are to be made to take the same ammunition as our present twelve pounders, and also to be light enough to be readily managed under the circumstances of service where six pounder batteries are now used. It is intended to have, for general use, but the one piece for field artillery; and for positions, requiring artillery where a gun of that weight cannot be carried, to use the twelve pounder mountain howitzer.

The experiments on gun-metal, which have been carried on by the Ordnance department for some years past, and the results of which have recently been published, have done much to improve the quality of our cannon, and the work contains valuable information on the subject of which it treats. It is quoted and favorably noticed in a late English work "on the physical conditions involved in the construction of artillery, and causes of the destruction of cannon in service." One of the author's remarks, referring to our ordnance reports, is that "the United States ordnance has really done more to advance, *experimentally*, the art of manufacturing cannon than all the European services together." These experiments have been directed to the determination of the ultimate cohesion of gun-metal, and did not take into consideration the injury sustained by cannon from the continued repetition of the ordinary strains of service-charges. They should be pursued further, for investigation, in regard to

extension prior to rupture, by less strains than are requisite to produce it. The information already acquired on this subject would be much more valuable to the government, if we had a national foundry where it could be applied to practical use. Further investigations might also be made with more facility and accuracy at such an establishment; and I renew the recommendation, heretofore repeatedly made, for the proper legislation to authorize its construction.

The operations at the national armories have been restricted to the completion of new models for small arms; the alteration of old models to long range rifled arms, and to the preparations requisite for the exclusive manufacture of the adopted new model, of which many of the parts have been fabricated. This model, which is common in its general principles to all our small arms, is a rifled arm, (such as is commonly called the Minié rifle,) with the improvement of a lock, after Maynard's plan, self-priming, when used with the Maynard primers, and as well adapted to use with the percussion cap as the ordinary percussion lock. The alteration of flint lock to rifled arms, with the self-priming lock, has been effected to the limited extent which the means available for the purpose would allow. The results of trials with these arms leave no doubt of the propriety of the measure, which I heretofore recommended, of altering all the old model arms of the United States, including those distributed to States and Territories, by converting them into rifled arms, with the percussion self-priming lock, so as to make them conform to the new model. The arguments then advanced in favor of granting the authority and means for executing this measure have lost none of their force by subsequent reflection and experience. The propriety and necessity of using only the best and most effective arms is obvious. With a population accustomed to the use of arms, familiar with, and competent to judge of their merits or defects, the moral effect of feeling themselves inferior in their armament and equipment would be disastrous. The only point, then, which remains for consideration is, whether the improvements can be applied to our present arms, so as to give to them the desired efficiency. The importance of the improvements and the susceptibility of our arms to receive them are not matters of theory or speculation, but have been proved by actual trial. It is not proposed to hasten, inconsiderately, to the adoption of a scheme of questionable advantage, but one which has undergone various and repeated tests in our own and in other countries, and the merits of which have been practically established. New models of small arms, with the improvements

before mentioned, have been completed, and the alteration of arms of the old model, so as to apply to them all the modern improvements, has been commenced and has progressed far enough to show conclusively that they can be made equal in efficiency to those of the new model. There is in the United States arsenals, and in possession of the States, upwards of half a million of these arms, which have cost between six and seven millions of dollars. In their present condition they are very inferior to the improved arms, and, in order to be made properly efficient and serviceable, they must be altered. It will be remembered that, for many years past, this government has steadily, and at great cost, been filling our arsenals with arms of superior quality, according to any then known standards. Recent improvements have rendered these arms relatively inferior; but, fortunately, we need not lose the fruit of our previous labors. In a short time, with adequate means, we may apply to our present stock of arms these recent improvements, and thus rapidly and satisfactorily give to them the greatest known military efficiency. The propriety of the measure being demonstrated, its execution becomes a mere question of time. Shall it be done as rapidly as practicable, or linger on through the long period of time which will be required to do the work, with the ordinary appropriation? The rapid accomplishment of this work has the advantage of being more economical, for it is obvious that, as the number of arms altered in a given time is increased, the *pro rata* cost is diminished; to which is to be added another and more important consideration, that of being prepared at the earliest period to meet any emergency.

Reports of experiments by the Ordnance department with the improved small arms have been printed and distributed for the use of the army and militia; to the latter in the proportion of their distributive share of arms as fixed by law. The diffusion among the volunteer and militia troops of the information therein contained, respecting the improved arms, will enable them to learn their powers and understand, theoretically, their use, in anticipation of having such weapons furnished to them.

But to give them a practical knowledge of improved small arms they should be placed in their hands for purposes of instruction in time of peace; and, to this end, I renew the recommendation heretofore made for an appropriation which will enable the government to alter the small arms heretofore issued to the States for the use of the militia, so as to make them conform to the improved model which has been adopted for the United States service. And it is also recommended that the

attention of Congress be called to the necessity of providing, by law, a better system of accountability for arms furnished by the general government to the States.

From the failure of inventors and patentees to deliver the breech-loading arms, which were ordered for trial, it has not been possible yet to make the practical tests which are necessary to ascertain "the best breech-loading rifle," or whether any of those, which, on preliminary examination, presumed to be useful, will be found, after trial in the field, worthy of being adopted into the military service.

The District of Columbia armory building will soon be completed at a cost not exceeding the appropriation, which, it will be remembered, did not include furniture for the building, nor the improvement of the adjacent grounds.

Sites have been selected for the new arsenals in Texas, New Mexico, and Washington Territory, for which appropriations were made at the last session of Congress, and measures have been taken to secure valid titles thereto, as required by law, before commencing the needful buildings.

A greater concentration of the operations of the Ordnance department, so far as respects arsenals of construction, is desirable. To confine such work to four principal arsenals—one at the north and one at the south in the Atlantic States; a third in the west, on the Mississippi, or at a point convenient for the transportation of its products to that river; and a fourth on the Pacific coast—will secure the advantages of greater uniformity and economy in constructing, and at the same time afford practical instruction to the officers and enlisted men in all the various duties of this branch of the military service. This may be done without reducing the number of arsenals of deposit, or interfering with the establishment of others at desirable positions, the purpose being merely to restrict construction to the four principal arsenals located as above stated. Of the present arsenals, one certainly, the Watervliet arsenal, in New York, and another probably, the North Carolina arsenal, at Fayetteville, may be used as arsenals of construction. These, with the arsenal just begun at Benicia, California, may, by proper additions to their present buildings, workshops, machinery, and other means for storage and fabrication, be made three of the constructing arsenals. The public land pertaining to the arsenal at St. Louis is too contracted to be suitable for this purpose, for which, in all other respects, it would answer well. The remaining arsenal of construction should, therefore, be built on a suitable site, to be selected for the purpose. To effect this desirable

arrangement will require legislation, appropriating means for increasing the capacity of these arsenals if selected from those already existing, and for their construction if they are to be built.

Our seacoast fortifications, the condition of which is described in the report of the Chief Engineer, have been in steady progress during the past year, but much yet remains to be done before many of the most important works will be completed according to the plans adopted.

Whatever may have been the opinion in regard to the value of fortifications for harbor defence, it is believed that recent events have fully demonstrated their sufficiency. The failure of the formidable naval armaments of the allies against the fortified places in the Black sea and the Baltic would seem to show conclusively that properly constructed fortifications are a sure reliance against the most formidable fleets; whilst these operations, at the same time, exhibit the ability with which a maritime nation may, from a condition of profound peace, fit out expeditions of great magnitude to operate on a distant enemy. Remoteness from the great naval powers of the world can, therefore, no longer be considered as giving to our commercial cities immunity from the danger of a sudden descent; they may, however, it is seen, be adequately protected by proper preparation, but such preparation requires time for its accomplishment. Fortifications, in order to insure their full efficiency, are not the work of a few weeks or months, but often of many years. Batteries hastily constructed may be useful as auxiliaries to more important defences, but they should seldom be relied on alone. When it is necessary to resort to such temporary works, it would be easy to show that these defences are far less economical than permanent works in cost of construction, in the amount of the necessary armament, and in the number of men required for their service. Indeed, this will be obvious to any one who has, by examination of a permanent fort, compared the easy management, and the rapidity and efficiency of fire of its heavy guns, with those that must be used behind a hastily constructed breastwork, and particularly where rapid firing against a moving body is required.

The defences of many of our most important seaports, which are still inadequately protected, can be properly effected only by liberal and regular grants from Congress for the completion of the works already under construction, and for the commencement of such new ones as it is proposed to erect. Economy of construction will be promoted by the appropriation of sums as

large as can be judiciously applied within the year, and earlier efficiency will be attained as the works may thus be brought sooner to a state of completion; therefore, the estimates for the next year have been prepared with a view to hasten the completion of all the most important works now under construction.

During the late war in Europe a commission of officers of the army was sent out, with your approbation, to use the opportunity afforded by extensive military preparations and movements of troops, to collect information which might be useful in our service. The commission, composed of three officers of different corps, visited the scenes of operations in the northern and southern parts of Russia, and many military establishments in England, France, Prussia and Austria. In Russia they were received with the most courteous liberality, and every facility which their time allowed was extended to them for accomplishing their object. They did not obtain access to places actually besieged, but they were permitted to examine the extensive and interesting fortifications of Cronstadt, before which an allied fleet was then lying. At St. Petersburg and Moscow, they visited the camps, barracks, military schools, hospitals and arsenals; at Warsaw, and its vicinity, they had an opportunity of seeing fortifications of great extent, constructed on the modern system of the Russian engineers, who have acquired deserved celebrity by the skill and energy displayed in the protracted defence of Sebastopol.

The English government, "trusting to the honor of officers," freely permitted the commission to visit their camp in the Crimea; but the conditions at that time stipulated by the French authorities, in according a like permission, could not be then acceded to by the commission without giving up other important objects. On arriving in the Crimea, a short time after the retreat of the Russians from the south side of the harbor of Sebastopol, the commission met with a hospitable reception and kind assistance from the commanders and other officers of the English and Sardinian armies. Their visit to the Crimea at this time enabled them to see the camp arrangements, troops and siege works of the allies, and also to examine the fortifications of Sebastopol, in the state in which they were left after the last assault. Here and at Constantinople the arrangements for the transportation and subsistence of the troops and for the cure of the sick and wounded, in the field and permanent hospitals, also came under their notice.

In returning from the east they examined, with the courteous permission of the governments, many of the Prussian and

Austrian military establishments, fortifications, arsenals and other manufactories, military schools and barracks of the various corps of troops. In passing through Belgium they visited the government foundry for cannon and some of the manufactories of small arms at Liege; and in entering France they had opportunities of seeing some of the principal fortifications, arsenals and dock yards.

The commission returned home in April last, after an absence of a year. The preparation of their detailed report is delayed by the necessity of assigning some of the officers to other duty, but it will probably be completed before the end of the approaching session of Congress.

The Military Academy continues successfully to perform its high mission. It is steadily advancing in all which facilitates thorough instruction; and whilst its purpose is mainly the education of warrant officers to prepare them for the responsibilities of higher grades, its benefits are co-extensive with the Union, and its influence felt in all the pursuits of our country. The mode of appointment prevents its advantages from ever being confined to any class of society—to any political party or geographical section; and as it is the first step in the military ladder, the army is thus furnished with a body of officers who represent the whole country, and who, by being reared in its service, may be expected to feel for the country as a whole, and in any and every contingency to prove a reliable bulwark for the common defence. Since the organization of the academy in 1802, it has steadily expanded with the increasing growth of the country, and the requirements of the institution have long since changed it from its original character of an engineer station and made it an important post of the army, at which every arm and a great majority of the regiments are represented in the persons of their officers. In the meantime, a demand for engineer officers in surveys and works of construction has not permitted the corps of engineers to furnish more than a small portion of the officers selected for duty at the academy. Thus it will be seen, from the necessity of the case, that the condition of the academy has long since ceased to conform to the terms of the law for its establishment, as was more specifically set forth in my last annual report.

For more detailed information, I refer to the annual report of the Board of Visitors and the report of the Chief Engineer, who, by his office, is also inspector of the academy.

The military roads in the various Territories provided for by acts of Congress have been steadily progressing; some are now completed, and work on them terminated; others are under con-

tract, or in charge of officers, and will be prosecuted as the means placed at the disposal of the department will admit. Experience, thus far obtained, has demonstrated that in all cases, except where the location is in a prairie country, the appropriations will prove inadequate to complete the roads in a substantial manner.

This remark especially applies to the Territories of Washington, Oregon, and Minnesota. It is readily accounted for in the first two by the rugged mountains, deep and rapid streams, and the unusually heavy forest found throughout that region; in the last, on account of the great length of the roads, the heavy forest, and the number of streams to be bridged. For their completion on the scale originally contemplated additional means will be required.

By act of Congress dated February 17, 1855, $10,000 was appropriated for cutting out the timber on the road from Fort Ripley, via Crow-wing river, to the main road leading to the Red river of the North. The location of the route, as indicated, was found circuitous and objectionable. Under the circumstances, it was considered the duty of the department to suspend all action on this road until Congress could so modify the terms of the law as to admit of the money being expended along the most advantageous line. Such a modification is recommended.

An appropriation of $30,000 was made on February 6, 1855, for the construction of the road from the Great Falls of the Missouri to intersect the road leading from Walla-Walla to Puget Sound. This sum was entirely inadequate to effect the object as an independent measure, and the department contemplated using it in connexion with the movement of a body of troops from the Upper Missouri to the valley of the Columbia river; but the unexpected demand created by the hostilities in Washington and Oregon Territories rendered it necessary to despatch the troops designed for this service by another and a speedier route. It has, therefore, not been possible advantageously to expend the appropriation, and the work has not been commenced.

The general rule which I have adopted and insisted upon, where a new appropriation has been made for a specific object, as for the construction of a road between two named points, is to determine on a plan for the work according to the scale indicated by the amount appropriated; and if it be evidently impossible, upon any plan which can be devised, to accomplish the proposed object with the means conferred, then to delay the commencement of the work, and report the fact, that either an

additional appropriation may be made, or the work be abandoned. This rule, of course, has no application to those annual appropriations which are made as parts of the estimate originally presented for the completion of a work for which many years of continuous operation would be necessarily required.

The appropriations for the harbor and river works, intrusted to the corps of topographical engineers, are so nearly exhausted, that, with a very few exceptions, the operations upon them cannot be continued, yet they nearly all remain unfinished.

In carrying into effect the law of 1852, making appropriations for various internal improvements, the department has endeavored, with each appropriation, to complete the improvement for which it was made, but the means have been generally found so insufficient as to render this impracticable; and I recommend that these unfinished works, for the continuation of which there are no adequate means, with the material and small balance of money on hand, be turned over to the local authorities of each place where constructions have been commenced, that they may be completed by means to be derived from those most immediately interested.

Dredge boats have been built from appropriations for each of the northern lakes, except Superior, and when appropriations for the improvements on a lake are exhausted, the boat is not considered transferable for operations elsewhere, and the department is left without means for its custody and occasional repair. Their peculiar construction rendering them of little value for any other purpose than that for which they were originally designed, it is not found possible to realize by their sale more than a small fraction of their original cost. It is recommended that authority be conferred on the Secretary of War to transfer these boats into any lake for the improvement of which there may be available means; and, further, when no longer required for public purpose, to authorize their use by any town, corporation, or company, under such regulations and conditions as will secure their return to the United States in good order, whenever they may be again required.

The survey of the northwestern lakes has progressed during the past season on a scale commensurate with the appropriations for that object, and the value of the work and the creditable manner in which it has been performed are evinced by the high appreciation in which the charts are held by the navigators of the lakes. The necessity for exact knowledge of these inland seas, which form an exposed part of our frontier, is too obvious to require elucidation.

For more detailed information on the condition of these several works reference is made to the report of the colonel of topographical engineers.

A report is herewith submitted from the office of this department connected with the explorations made to ascertain the most practicable route for a railroad to the Pacific, to which I refer for a detailed account of the duties performed in that relation during the past year.

My last annual report contained a brief reference to the principal results of the explorations and surveys made during that year in connexion with the routes near the 35th and 32d parallels, and between the Gila and Rio Grande. The report of the officer charged with these duties shows the proposed railroad line between the bay of San Francisco and the plain of Los Angeles to be an eminently practicable route. It occupies the valley of the San José and Salinas rivers, crosses the Santa Lucia mountains near San Luis Obispo, traverses the rolling country adjacent to the coast as far as Tres Alamos river, and thence to the mouth of the Gaviote creek, either passes along the valley of Santa Inez river and the Gaviote Pass or follows the coast, turning Point Conception; from the mouth of Gaviote creek it follows the shore-line to San Buenaventura, and crosses the Santa Clara plain, the Lemi Pass, and the San Fernando plain to Los Angeles.

The distance from San José, near the bay of San Francisco, to Los Angeles, by the shortest line, is 396 miles. Two tunnels are proposed, each three-fourths of a mile in length, one on the San Luis Pass, through the Santa Lucia mountains, and the other in the Lemi Pass. The estimated cost of this route, including equipment, is $20,823,750, or about $52,600 per mile.

A favorable pass, leading from the valley of the Salinas river to the Tulares valley, was discovered by this party, forming a good connexion with the bay of San Francisco for the route of the 35th parallel.

The results of the survey, it was formerly stated, have greatly improved the aspect of the first route surveyed between the Pimas villages on the Gila and the Rio Grande, by changing the line for nearly half the distance from barren ground to cultivable valleys, and entirely avoiding a *jordana* of eighty miles which occurs in that section. The route now follows the valleys of the Gila and the San Pedro rivers to the mouth of the Arivaypa, a tributary of the San Pedro discovered by this party, continues up that stream to its source, crosses between Mount Graham and Chiricahui mountains by a very favorable pass,

proceeds in a direct course through the Peloncillo mountains and joins the former line in the vicinity of Col. Cooke's emigrant road. From this point to the Rio Grande the route lies in the lowest line of the depression which characterizes the plateau of the Sierra Madre in this latitude, the mean elevation of which is about 4,400 feet above the level of the sea, the summit being 4,600 feet above that level.

The maximum grade upon this route is 64.4 feet per mile. The route for two-thirds of the distance is represented as being most favorable for a railroad; the remaining one-third being nearly equally divided between ground of a rolling and mountainous character.

The examinations of this party, in reference to the practicability of procuring water, show that it may be obtained at suitable distances by common wells and conduits, supplied from permanent streams. In some localities artesian wells might probably be resorted to successfully.

The estimated cost of the whole distance, 345 miles, is $15,300,000, or about $44,000 per mile. The estimate, based upon a thorough re-examination of the ground, and a close study of the subject by the officers in charge of the survey, coincides very nearly with that made by the officer who presented the general revisory report upon the first explorations.

It is deemed proper to call especial attention to this coincidence, so strongly exhibiting the general reliability of these estimates, because a minority report made at the last session of Congress, from a committee of the House of Representatives, characterized the estimates, based on the reconnaissances of the topographical engineers, as unreliable, and adduced to sustain that disparaging reflection, the fact that on one of the lines explored, the preliminary estimate of the officer in charge greatly exceeded that which he presented after a further study of his observations in the field; this, too, being in disregard of the fact that the first estimate was hastily made by the explorer to meet a pressing demand for his report, and was at the time stated by him to have been prepared in anticipation of the future examination of the data he had collected. In the remarks of the revising officer which accompanied the reports it was also pointed out that this estimate was probably largely in excess.

Although the two lines between Gila and Rio Grande, of which the estimated cost is so nearly alike, are over different routes, the features of the ground, so far as they would affect the cost of construction of a railroad, are nearly identical; the

advantages of the new line depending upon other considerations already enumerated.

Similar remarks may be applied to the estimated cost of the two routes between the plains of Los Angeles and San Francisco, though the coincidence there is not so close, the character of the ground being such as would cause a difference of expense in the road-bed formation.

In addition to his own results, the officer in command of this party has presented those of an instrumental survey from San Diego bay, through Warner's Pass to the Colorado desert, made under the auspices of the San Diego and Gila Railroad Company.

The engineer of this company estimates the cost of a railroad on this route from San Diego to Fort Yuma, distance 189.1 miles, at $7,571,500; one half of this distance being estimated at $14,615 per mile, and the other half at $65,085 per mile. These estimates are much less than those contained in the reports of the officers of this department for routes passing over similar ground. Either standard of cost per mile applied to the routes from Fort Yuma to San Diego and from Fort Yuma to San Pedro, through the San Gorgonio pass, gives about the same total amount of cost for each route. The line to San Diego forms the shortest route to the Pacific, the distances being, from Fulton to San Diego 1,548 miles, from Fulton to San Pedro 1,618 miles. If the final terminus of a Pacific railroad is to be San Francisco, the route through the San Gorgonio Pass to San Pedro is preferable to that to San Diego, since the former port is about 100 miles nearer to San Francisco.

The party directed to explore the country between the Sacramento and Columbia rivers, with a view to ascertain the practicability of connecting these valleys by a railroad, examined two routes, one east, the other west of the Cascade range.

The former accomplishes the passage of the western chain of the Sierra Nevada by following Pitt river. The route then traverses a sterile plateau elevated from four to five thousand feet above the sea, to the head of the Des Chutes river. Serious obstacles to the construction of a railroad are encountered at the cañon of Pitt river, and near upper Klamath lake. Wood and water are sufficiently abundant. The deep cañons in which the Des Chutes river and its tributaries flow render it impracticable for a railroad to follow its valley to the Columbia river. A practicable although difficult pass was examined through the Cascade range near Diamond Peak, by which the road can reach the Willamette valley; the route through which to the Columbia is very favorable to the construction of a railroad. The route

west of the Cascade range is through the Willamette, Umpqua, Rogue River, and Shasta valleys. It proved to be more favorable than had been anticipated, and had not the smallness of the party and its inability to obtain an escort during the existence of Indian hostilities prevented lateral reconnaissances, it appears probable that a practicable line to Fort Reading would have been found, traversing for nearly the whole distance a fertile and inhabited region.

Between the Columbia river and Fort Lane in Rogue River valley, the Kalapooya mountains, Umpqua mountains and the Grave Creek hills are the chief obstacles to the construction of a railroad. An excellent pass through the first, and a difficult but practicable pass through the second, were surveyed. The Grave Creek hills, it is thought, can be turned.

Information respecting a pass from Rogue River valley to the plateau east of the Cascade mountains makes it probable that an easy connexion with the first route examined may be made, and this will be especially important should the obstacles encountered between Fort Lane and Fort Reading be shown by further examination to be insurmountable.

The pass examined through the Siskiyou mountains which separate Rogue River and Shasta valleys was very unfavorable to the construction of a railroad.

From Shasta valley to Fort Reading the route over the Scott and Trinity mountains is reported utterly impracticable. A feasible location between these places might be obtained by following the Sacramento valley.

The route east of the Cascade range may be considered practicable. The total distance by it from Benicia to Vancouver is about 800 miles, of which only 350 miles are in a fertile and settled region. The construction for about 250 miles would be very difficult and costly; for the remainder of the distance the work would be light.

The principal advantage of a route west of the Cascade range would consist in its traversing a fertile and inhabited country. By the line surveyed the total distance from Benicia to Vancouver is 680 miles, of which 500 would be easy of construction, 100 difficult and costly, and 80 so difficult and expensive as to be considered impracticable.

Additional experiments have been made, during the past year, by the party previously engaged in testing the practicability of procuring water by means of artesian wells upon the Llano Estacado, and upon the table-lands west of the Rio Grande. In the latter region the trial has not been prosecuted sufficiently

far to admit of satisfactory conclusions. The work upon the Llano, which had been suspended until additional tubing could be procured, was resumed, and a well has been sunk to the depth of 861 feet. At the depths of 245 and 676 feet seams of pure and palatable water were laid open; the first rising in the well 25 feet, and the second to within 110 feet of the surface. As no water rose above this point it has not yet been practically demonstrated that, in this region, there are subterranean streams which can be made to flow upon the surface; but nothing has been developed to change the opinion, heretofore expressed, that the experiment will be attended with success, if prosecuted to the depth then contemplated by the department.

More detailed information regarding the late operations will be found in the report from the office connected with these explorations.

The well has been left in such condition that the boring may be continued from the point where it ceased, should future appropriations admit the resumption of the work.

The important results that may attend the solution of this question, not only in connexion with the construction of a railroad, but also in the development of the resources which the country may contain, have been already noticed in previous reports from this department.

The topographical surveys carried on in connexion with this work have improved the location of that portion of the railroad route near the thirty-second parallel east of the Rio Grande.

Since the last annual report the cargo of camels, thirty-two in number, then referred to as being expected, have been landed on the coast of Texas and taken into the interior of the country. Much time was required for their recovery from the effects of a long sea voyage, and but little use has therefore been made of them in the transportation of supplies. On one occasion, it is reported, that a train, consisting of wagons and camels, was sent from Camp Verde to San Antonio, a distance of sixty miles, over a road not worse than those usually found on the frontier, and the result as given is, that the quantity brought back by six camels (3,648) pounds was equal to the loads of two wagons drawn by six mules each, and the time occupied by the camels was two days and six hours; that by the wagons four days and thirty minutes. On another occasion, the capacity of the camel for travelling over steep acclivities and on muddy roads was tested with the most satisfactory result. Instead of making the detour, rendered necessary in the location of the road, to avoid a rugged mountain, impracticable for wagons, the camels followed

a trail which passed directly over it; and a heavy rain occurring whilst they were at the depot to which they had been sent for supplies, the road was rendered so muddy that it was considered impassable by loaded wagons, the train of camels was nevertheless loaded with an average of 328 pounds each, and returned to their encampment, a distance of sixty miles, in two days, suffering, as it is reported, no interruption or unusual fatigue from the mud over which they passed, or the torrents of rain which fell upon them.

These tests fully realize the anticipations entertained of their usefulness in the transportation of military supplies.

The experiment of introducing them into the climate of the United States has been confined to the southern frontier of Texas. Thus far the result is as favorable as the most sanguine could have hoped. Of thirty-four animals imported, two have died—one from accidental injury, and the other from cause unknown. When it is remembered that this is the year of their acclimation, in a climate subject to sudden and violent changes, and of the use by them of herbage very different from that of the countries from which they were imported, there is every reason to believe that as little difficulty will be encountered in the acclimation of the camel as that of the horse or the ox.

The very intelligent officer who was sent abroad to procure them, and who has remained in charge of them, expresses entire confidence, both of their great value for purposes of transportation and of their adaptation to the climate of a large part of the United States.

When we remember that the camel was among the first beasts domesticated by man, it furnishes ground for no little surprise that we should have remained, down to the present day, so little informed of its habitudes and physiology. The information which has been acquired in the progress of this experiment is of a highly interesting character, and must serve to dispel most of those apprehensions which were entertained when it was first proposed to introduce camels into the United States for military purposes. By the kindness of the Secretary of the Navy, I have been again permitted to freight a storeship, on its return voyage from the Mediterranean, with another cargo of these animals, to be purchased from the unexpended balance of the appropriation, and Lieutenant D. D. Porter, of the navy, commanding, was charged with the duty of procuring them, and it is expected that another shipment of about forty in number will be landed during the present winter on the coast of Texas, and sent up to

the encampment where those formerly obtained are now located, where we shall have for practical test about seventy animals.

The construction of the Capitol extension has advanced as rapidly as the supply of marble would permit. The building is roofed in, the ceilings of the representatives and of the senate chamber are completed, and the interior finish is begun.

Several committee rooms have been finished, and others, though not yet painted, have been temporarily occupied by committees, in consequence of the deficiency of room in the old building. The decoration of these rooms was thus deferred, to be resumed during the recess of Congress.

The vast quantity of marble for the porticos, in which there are a hundred columns, will require at least two seasons for its delivery, but the occupation of the building need not be delayed until the completion of these porticos. As soon as the main body of the wings is completed, which, including the ventilating and heating apparatus, it is expected will be accomplished during the next summer, the building may be occupied.

In my last annual report, and in communications since made in answer to resolutions of Congress, it was announced that specimens of painting and decoration, of encoustic tile-flooring, of cast-iron windows and door casings, had been prepared for the inspection of Congress, and that other improvements on the original plan were contemplated.

It was then stated that if this higher style of finish was adopted, the cost of the building must be proportionately increased. And as the original plan and estimate was for the lower style of finish found in the main building, it was deemed proper to submit to Congress for decision the question of changing the style to the higher standard of the present state of architectural skill; and it was suggested that improvements might be introduced to a greater or less extent, as Congress might provide. Awaiting the decision of this question, no further appropriation for the Capitol extension was presented in the annual estimates of this department. During the session, and with the understanding that it was the will of Congress that the higher style of finish should be introduced into the whole building, an estimate for the current year's expenditure was transmitted to Congress, and an appropriation was made in accordance with it. I have this year caused estimates to be made on the hypothesis that the building is to be completed, both as to material and workmanship, so as to conform throughout to those parts which have already been constructed; and it appears that the addition sum which will thus be required is two million one hundred thousand

dollars, of which a portion is asked in the annual estimate for the next fiscal year.

The work upon the new dome, suspended during the session of Congress, has been resumed. The machinery for the removal of the masonry of the old dome and construction of the new has been erected, and the old dome has been completely demolished.

Great care is necessary in forming upon the old walls the foundations to support the iron work, and the means adopted and described in the report of the officer in charge seem well adapted to insure success.

The design which was originally adopted by Congress appears to have been in advance of a study of its details and an estimate of its cost. Inquiries by the committees of the House of Representatives, and to which the department replied, indicated a probable change in the plan of the dome; and under these circumstances, it has been deemed advisable to await further action. Therefore, no estimate is presented by this department for the continuation of that structure, as the amount that will be required must depend upon the plan to be executed.

The continuation of the General Post Office building has been urged as rapidly as the supply of materials allowed. A large part of the cellar and basement story is constructed, and much marble has been worked, and is ready to be set in the upper stories as soon as the granite to complete the basement is received.

The workmanship of the Post Office and Capitol extensions is such as to reflect credit upon the mechanics of our country.

These buildings promise to be enduring monuments of the present state of the arts in the United States.

The work upon the Washington aqueduct was suspended in July for the want of means, and the appropriation made in August did not, on account of the season, then allow of, if indeed it was intended for a resumption of operations.

The terms of that appropriation, as construed by the department, limited its application to the payment of existing liabilities and the preservation of the work. The doubt thus suggested as to the future policy of Congress in reference to the further prosecution of the work, has prevented me from submitting an estimate for that purpose.

Every interruption in the progress of construction must increase its final cost, and be attended by loss, both to the government and to the contractors; therefore, should it be decided to complete the aqueduct, it is believed that true economy would be promoted by granting sufficient means to undertake the whole

work at the same time. For further information in relation to the Capitol and Post Office extensions, and the construction of the aqueduct, I refer to the report of the officer who has charge of, and has so ably and satisfactorily conducted them.

Attention is invited to the necessity for further legislation to improve the condition and render more perfect the instruction of the militia force of the United States. This subject has claimed the attention of many of your illustrious predecessors, and has been in the most urgent terms presented to the consideration of Congress at various times, beginning with the first year in the existence of our constitutional Union; but little has been done for the practical advancement of an object which, in the language of President Washington, "is abundantly urged by its own importance." It is rather to be feared, judging by the irregular and very defective returns received at this department, that the militia system is falling into disuse. This would seem to indicate a defect in the organization, and a necessity for further action by Congress. That body, in the language of President Jefferson, when speaking of the state of the militia in 1808, "alone having the power to produce an uniform state of preparation in this great organ of defence."

During the past year books of tactical instruction and of experiments in the firing of small arms at the long ranges obtained by modern improvements have been issued to the States for the use of the militia. A new edition of the Army Regulations, which will soon be published, it is designed to distribute in like manner; and it is recommended that provision be made which will enable the department to supply such text-books as will give to the militia the means of acquiring the necessary information in respect to the various duties of troops in the field; all of which is requisite that Congress may fully provide for the use of the militia "to execute the laws of the Union, suppress insurrection, and repel invasion," as empowered by the Constitution. To use the language of President Jefferson, in his last annual message, "the extraordinary character of the times in which we live" impresses with more than usual force the necessity for a thorough organization of the militia, described by President Washington "as the natural defence of the country, the most effectual as well as economical preservative of peace." The use of the army and navy for the preservation of domestic order is for many reasons objectionable, and should only be resorted to when the peculiar necessities of the case shall justify it. Should the civil authorities, aided by a posse, at any time be insufficient to enforce obedience to the laws, the nature of our

institutions seems to indicate as the next step the employment of the militia. The authority conferred to employ the army and navy was not granted in the first instance, but after a lapse of years was added to that for the employment of the militia, and would seem to be the remedy for such extraordinary cases as justify a resort to the additional means granted; but the occurrence of such cases must in no small degree depend upon the perfection of the organization and discipline of the militia.

Since my last annual report the unhappy condition of affairs in the Territory of Kansas has caused the troops stationed there to be diverted from the campaign in which it was designed to employ them against the Cheyenne Indians, and devolved upon them the delicate and most ungracious task of intervening to suppress insurrectionary movements by citizens of the United States against the organized government of the Territory. To maintain the supremacy of law, and to sustain the regularly constituted authorities of the government, they were compelled to take the field against those whom it is their habit to regard not only with feelings of kindness, but with protective care. Energy tempered with forbearance, and firmness directed by more than ordinary judgment, have enabled them to check civil strife, and to restore order and tranquillity, without shedding one drop of blood.

In aid of the civil authorities they have arrested violators of the peace; have expelled lawless bands from the Territory; and, vigilantly guarding its borders, have met and disarmed bodies of men organized, armed, equipped, and advancing for aggressive invasion, whilst the actual use of their own weapons has been reserved for the common enemies of the United States.

I concur in the high commendation which the commanding general of the department of the west bestows on Lieutenant Colonel Cooke, commanding in the field, and to the officers and men who have thus satisfactorily performed the disagreeable duty which was imposed upon them; and I am sure they could receive no more grateful reward than an exemption from the future performance of such duty, and the assurance that their labors have contributed to the tranquillity and prosperity of the country in which they are stationed. Upon notice from the executive of the Territory that peace has been restored, the troops have been withdrawn from the field and returned to winter quarters.

I have the honor to be, very respectfully, your obedient servant,

JEFFN DAVIS

THE PRESIDENT OF THE UNITED STATES. Secretary of War.

H. J. Harris to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

Vicksburg, Decr. 3, 1856.

Dear Sir:

Your taxes this year are $141.04. You can send me a draft for the amount.

We are far from being satisfied with the result of the election; not that we did not earnestly desire Mr. Buchanan's success, but because the northern vote shows that the *immediate* future, if I may so speak, is big with peril. Besides this, the few northern States that went for Buchanan were carried by considerable giving way on principle, and the signification of our victory is greatly weakened. Had Gen. Pierce been nominated, as he ought to have been, and elected, as he would have been, the triumph would have been decisive. As it is, the democracy have the offices four years more, and that is all.

The *Delta* assumes to speak for you. Let me tell you what I *know*, that it is doing you injury. Is John Perkins your friend? Whether so or not, he is a visionary and embittered politician, who is utterly prostrate with the democracy, and whose laudations of yourself through the Delta are alienating old friends from you. *This I know.*

Yours truly,
H. J. Harris.

44432

Jefferson Davis to H. C. Wayne.

(From Letter Books Secretary of War Old Records Division War Department.)

War Department
Washington December 11, 1856

Major H. C. Wayne,
U. S. Army
Camp Verde
Texas
Sir,

I received your letter of the 11' instant requesting me to cause enquiries to be made in regard to the departure of vessels from ports in this country to Alexandria and other ports in the Mediterranean, with a view of sending back to their country the three Arabs you brought with you to Texas.

Upon enquiry at the Navy Department, I learn that there will be no ship of war going to the Mediterranean for some time, but that a chartered store ship will be sent to Spezzia about the 10' of January, either from New York or Boston, and that if the Arabs can be sent North by that period, a passage can be procured for them. There is a steamer twice a week from Spezzia to Genoa, and the same from Genoa to Malta. From Malta to Alexandria the English steamer sails twice a month.

I also enclose herewith advertisements of vessels to sail from Boston to Malta and Genoa.

I find myself unable to make any suggestion as to the mode of sending the men to New York and must leave the matter to your discretion.

Very respectfully Your Obt Servt.

JEFFN DAVIS
Secretary of War.

Jefferson Davis to John Catron.[1]

(From Letter Books Secretary of War Old Records Division War Department)

War Department,
December 20, 1856

Mr. Justice Catron,
Sir

In reply to your note asking if there is any thing in the rules and articles of war allowing or prohibiting the carrying of servants into the Indian country North of Missouri, I have the honor to inform you that the Articles of war and Regulations of the Army contain no special provision in relation to the matter. But, officers of the Army being, by law, allowed servants have always been in the habit of taking them to the Indian country, when their duties required their presence there, whether they were white men, free blacks or slaves, and the officer has been paid by the Government the amount allowed for their services in each case.

[1] Catron, John (1778-1865), a jurist, was born in Wythe County, Va., in 1778; removed to Tennessee in 1812 and was admitted to the bar in 1815. He served in the New Orleans campaign under Jackson in War of 1812; was State attorney for Tennessee; a judge of the Supreme Court of the State, 1824-1830 and chief justice of that court, 1830-1836; associate justice of the U. S. Supreme Court, 1837-1865. Catron opposed secession in 1861 and was obliged to leave the State. He, however returned in 1862 and died in Nashville, May 30, 1865.

In compliance with your request I transmit you herewith a copy of the Articles of War, contained in a volume of military laws.

I have the honor to be,
Very respectfully Yr obt Serv
JEFFN DAVIS
Secretary of War.

A. J. Evans[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

Waco Texas December 20th 1856

Hon Jefferson Davis
Washington
City

In the absence of any personal acquaintance, I have presumed upon your Courtesy to ask an important favor.

It is my design to become an applicant for federal favor before the incoming Administration. I desire the position of Consul to Vera Cruz, if possible, and if not I am willing to take, and respectfully ask any other favor from the administration that it may choose to grant me. In the absence of any acquaintance with you I would ask leave to say That the first vote I ever cast in life was for Governor of the State of Mississippi in 1851, and then I placed myself, as I, then conceived, upon the true position; that of a States rights democrat by voting for Jefferson Davis. Shortly after that time I came to Texas and have been engaged in the practice of law; occasionally participating in politics, always taking the position I first assumed. I had the honor of a seat in the last legislature, and a position on our Electorial ticket in the late canvass and contributed my mite to give Buck an overwhelming majority in the "lone star" State.

These are facts I think it due to you to demand from one asking your favor.

One fact I ask permission to mention.

It is this, that heretofore in the distribution of federal favors, Texas has I conceive been overlooked to a great extent. This arises, no doubt, from the fact that we live so far from Washington that but few of us can ever go in person and apply for the same.

[1] Presidential Elector Campaign of 1856.

I hope the incoming administration will remember us, and that we may be recognized as the state that cast the largest democratic majority in proportion to her vote in the Union. Out of fifty thousand votes we gave thirty four thousand democratic. I mention the above, not in a complaining spirit, by any means: and especially do I disclaim any thing that would induce the belief that you were to blame: but on the contrary, permit me to say that under your management the troops in Texas have been, by far, more vigilant and have given us more security from Indian depredations than under any other Secretary of War.

And for your vigilance all Texans feel bound to you, and will if ever occasion require testify their confidence and esteem.

I respectfully ask you, if consistent with your feeling, to aid me in my aspirations, in the matter. I would take it, as a special favor if you would lay my claims before the President in person after the 4th day of March 1857.

If you will be kind enough to undertake this matter, I will forthwith forward to you such letters of recommendation as I have from the Electors and other prominent men in the state of Texas and other states.

I have written to Senators Hunter & Cass, and to Henry A. Wise and some others about this matter. I have never had the fortune to make the personal acquaintance of Gen. Rusk who lives many miles East of me, or Col. Bell who lives west: but I am arranging to secure their cooperation in this matter.

I feel and know that I am asking of you a favor of great magnitude to myself, and can only pledge myself, that any aid you may render a young Texan will be fully appreciated, and circumstances may some time place us in such a relation as will enable me, humble as I am, and as far as I am removed from you, to reciprocate the favor.

Hoping that the press of official duties will not prevent you from giving my letter at least a short notice

I am very respectfully Your most Obt svt

Andrew J. Evans

Will you please show this if you think proper to any of your friends especially to that old veteran Gen Quitman of Mississippi?

Andrew J. Evans

I enclose herewith a letter from Dr W E Oakes formerly of Mississippi and a personal acquaintance

Respectfully

A. J. Evans

[In pencil on the back]

Ans that the present incumbent was appointed by Mr. Pierce —and that consequently that he could not consistently ask for his removal

Jan. 16

Indorsed: Waco, Texas, Dec. 22/57
ALEX J. EVANS
Solicits Consulship to
Vera Cruz
E 3 Jan. 9/57 (one enclosure)

W. E. Oakes to Jefferson Davis

(From the Library of Congress. Manuscripts Division.)

Hon Jeff Davis— Waco, Tex. Dec. 23d 1856.

My Dear Sir,

Mr Adr. J. Evans of this town has been induced by his friends to apply to the President for the office of Consul to Vera Cruz

I know Mr E. well & can vouch for his pure States Rights Democratic principles. He was amongst the first to raise his voice against the K. N. party—& has done good service in the state, as assistant Elector, for Mr. Buchanan.

I will thank you kindly if you will mention him favorably to the President elect. Your friend truly

Note for reply W. E. OAKES

[In pencil below]

Upon inquiry it is learned that the place is satisfactorily filled a vacancy not anticipated by the Secty. of State.

Robert Bowman and Others to Jefferson Davis

(From the Library of Congress. Manuscripts Division.)

Hon. Jeff'n Davis Yazoo City Miss Decr 21st 1856

Washington City

Dear Sir—The undersigned have been appointed a committee, by a meeting of the Citizens of this place, to call your attention to a correspondence, now going on between Mr Horatio King 1st Asst P M General, and Mr M D Haynes P M at this place.

The facts developed are, that some time during the last fall, Mr Haynes refused to deliver a copy of the "Cincinnatti Gazette" to a Subscriber upon the ground that the Gazette was an abolition sheet. The subscriber complained to the Editor of the paper, and he has brought the matter to the attention of the P O Department, And Mr King writes to Mr Haynes, that he is

instructed by the P M General, that he has no authority to refuse the deliverance of any mail matter, but is bound to do so according to its address. Upon this proposition asserted by the Post Master General, we beg leave respectfully to take issue. We cannot believe that it is the object of the Federal Government, to become the Cooperators of abolitionism by making the officers and agents of the Post Office Department, in effect, the agents and abettors of the mad Fanatics of the North in the circulation of their incendiary and insurrectionary publications, in violation of the laws of our State, and to the danger of the peace and safety of our citizens As far back as 1836, upon the Bill to prohibit the transmission of incendiary publications through the mail, Mr Calhoun asserted upon the floor of the U S Senate, "that the first and leading principle is, that the subject of slavery is under the sole and exclusive control of the states, where the institution exists. It belongs to them to determine, what may endanger its existence, and when and how it may be defended. In the exercise of this right, they may prohibit the introduction or circulation of any paper or publication, which in their opinion may endanger or disturb the institution." The State of Mississippi, acting on these principles, as long ago as 1830, by law enacted, that the circulation of incendiary publications was a high misdemeanor, punishable by fine and imprisonment See Hutchinson's code p 948 §9. But the remedy proving insufficient, to suppress the mischief, in 1839, the Legislature passed an act, declaring, that the circulation within this state of any composition in manuscript, or print, or any pictorial representation, calculated, to produce disaffection among the slave population, or to endanger the peace of society, shall be punished by imprisonment in the penitentiary, for a term not exceeding ten years see Hutch code p 978. The question then arises who is to be judge of the character of documents, transmitted through the mail? We reply unhesitatingly the Post Master: And he must judge at his peril. The penalty is denounced against the person who circulates, and who brings or aids in bringing such documents within this state. And the Post Master cannot shelter himself beneath an official appointment, and recklessly spurn and defy the laws of the State. A felon's penalty, confinement in the Penitentiary, would be the reward of his temerity.

If we be right in our opinion as to the power of the State, to protect herself against this kind of mischief, we deem it a matter of great importance to the South, at this time, that the principle, established by our state acts, and attempted to be enforced & carried out by Mr. Haynes, should be explicitly sanctioned by the

Government. It is now the only safe mode by which we can protect ourselves, from the vile and incendiary abolition sheets, with which our country is flooded, and which are already having their effect, if the Newspaper reports of the disaffection among the Slave population be true

That Mr Haynes acted upon mature deliberation in this matter, we are fully advised, and confidently expect, that when the facts, are brought fully to the notice of the P M General, that he will alter his opinion

Most Respectfully
yr ob^{t} Svts
Robt Bowman[1]
Geo: B. Wilkinson
A. M. Harlow

Montgomery Bryant[2] to Jefferson Davis

(From New York Historical Society)

(Private)

Saint Louis Missouri
Dec. 22nd 1856

Dear Sir,

Although personally unknown to you, yet I feel warranted by the intimacy existing between my father Major Bryant and yourself in addressing you upon a subject which has frequently been brought to your notice by him viz. the appointment of myself in the Army.

It is perhaps not forgotten by you that it was my desire to receive an appointment in one of the four additional Regiments last authorized My failure to receive a commission was a deep disappointment to me, but when I recollected the number of applicants and the consequent arduousness of the duty of making selections I felt with less keenness my non success.

To be a soldier has been the ambition of my life. Born in the Army and partially raised therein, I early formed an attachment for it, which the lapse of time has not been able to eradicate, and I consequently endeavored long since to receive the appointment of Cadet at West Point, but it was not accorded.

I have recently observed that a large number of resignations are daily taking place in the Army, and of course in those Regiments to which no supernumerary officers are attached there must be vacancies, and my object in now addressing you is to request that you will prevail upon the President to appoint me

[1]Leading citizens of Yazoo City, Miss.
[2]Second Lt. 1857, promoted major for gallant conduct battle of Fredericksburg; retired 1894; died 1901.

to fill one of such vacancies either as 1st or 2nd Lieut. in any of the Arms of the Service.

The present administration will soon close, and I have selected the present as the most fitting time to make the above request, from the fact, that not being very much troubled with similar applications you will perhaps have more leisure to bestow consideration upon mine, and under the circumstances would find it conservant with your views to bestow upon me a position I so much desire.

I am Sir
Very Respectfully
Your Obt. Servt.
MONTGOMERY BRYANT

Hon. Jefferson Davis
Secty. of. War,

Jefferson Davis to R. W. Johnson[1]

(From Letter Books Secretary of War Old Records Division War Department.)

Hon. R. W. Johnson,
U. S. Senate—

War Department.
December 26. 1856

Sir,

I have received the letter you left at the Department, addressed to the Hon. Mr. Sebastian and yourself by several citizens of the neighborhood of Fort Smith, Arkansas, in relation to the conduct of Samuel M. Willard, the Quarter master's clerk at that post. In reply thereto I have the honor to inform you that I have referred the letter to the Quartermaster General with directions to investigate, and report upon the case. Officers of the Army and their employees are expected to refrain entirely from interference with politics, whether it be for or against the administration, and no such conduct as is represented by the complaints will be tolerated by the Department. Should it be proved, on examination that the Quartermaster's clerk has been guilty of the charges, he will be promptly dismissed. You will be duly informed of the result as soon as a report is received by the Department.

Very respectfully and truly Yours,
JEFFN DAVIS
Secretary of War.

[1] 1814-1879. Congressman from Arkansas in the Thirtieth, Thirty-first and Thirty-second Congresses; U. S. Senator 1853-1861; Confederate Senator 1861-1865.

M. D. Haynes[1] *to Jefferson Davis*

(From the Library of Congress. Manuscripts Division.)

Hon Jeff Davis Yazoo City Dec^{r} 28th 1856

Dear Sir

During the last Summer, a man by the name of A Patterson (who came to this place a few years ago from Cincinnati) took the Cincinnati Gazette a News Paper published in said city. The Said Sheet was filled with Pictorials and Editorials Calculated to disturb the peace & harmony of Society, by instigating the Slave Population to insurrection—It became So insulting in its tone—and abhorrent to the People here in their Pictorial representations that I was advised by the best men of this Community to refuse to deliver the Same— *I did So & Still Continue to do So—*

A Correspondence took place between him & myself in regard to the Same, and he sent it to the "Gazette" & it published the Same—headed "Post Office abuses in the South;" and the publishers of the Gazette referred it to the Post Office Department. In due Course of mail I rec^{d} a letter from the 1st Ass^{t} P M Gen. Horatio King—Calling my attention to the Same, and rather instructing me to deliver the Said Sheet to A Patterson—I have replied to the letter of M^{r} King by this days mail to which I refer you to, giving my reasons for not delivering the said Sheet—

I shall refuse hereafter the delivery of the Same, as I have heretofore done— I ask you to look at the Correspondence and give me your Views in regard to the Same— If the Post Office Dep^{t} orders me to deliver the Gazette to A Patterson or any other abolition Sheet to Subscribers, I shall resign the office—for I will not be made the instrument in the South, of distributing abolition news papers——& that too in violation of the Laws of my State, and in violation of the rights of the Community in which I reside—

Quite enough notoriety has been given to this little matter already, & I would dislike very much for it to gain any more—

Indeed I think the Department Should let us Settle this Small matter here— If Mr P is injured, he Can have his redress through the Courts here, & get damages, if any, that he may be entitled to—I hope therefore the Dep^{t} will not press this matter upon *me*—

[1] State Treasurer of Mississippi 1860-1865.

In my letter to Mr King I have referred to the Statutes of the State—Hutchinsons Code pages 948 & 978—in regard to Abolition documents— I Cannot Consent to violate them knowingly— I hope to hear from you at an Early day—

Yr Friend & Obt Servt
M. D. Haynes

P. S. I have written in great haste—

[Indorsed: Yazoo City Post office; also: Yazoo City P. O. & Abolition document]

Jefferson Davis to Franklin Pierce

(From Senate Ex. Doc. No. 34, 34th Congress, 3d Session.)

War Department,
Washington, January 22, 1857.

Sir: I have the honor to submit herewith the information, statement, and copies of correspondence required by the resolutions of the Senate of the 23d and 30th ultimo, which have been referred by you to this department, viz:

I. Statement of all payments and allowances which have been made, and of all claims which have been disallowed, to Brevet Lieutenant General Scott, from the date when he joined the army serving in Mexico, up to December 1, 1856, with reports from the accounting officers giving the items thereof.

II. Correspondence respecting allowance of quarters and fuel.

III. Correspondence respecting allowance of mileage.

IV. Correspondence respecting allowance of commission on military contribution money levied in Mexico, and the settlement of accounts connected therewith.

V. Correspondence in relation to claim for brevet pay of Lieutenant General Scott and his staff.

VI. General correspondence respecting the several matters referred to in the resolution.[1]

With regard to the last mentioned class of correspondence, I have to say that it includes many subjects besides those relating to General Scott's money claims, but they are so entirely blended that it has been found impracticable to separate those embraced by the resolution in such form as to present fairly the positions taken by this department in regard to them. I have therefore concluded to submit the entire correspondence.

Very respectfully, your obedient servant,

Jeff'n Davis,
Secretary of War.

To the President of the United States.

[1]For all letters, reports and accounts connected with this correspondence see Senate Ex. Doc. No. 34, 34th Congress, 3d Session.

Jefferson Davis to R. W. Johnson.[1]

(From Letter Books Secretary of War Old Records Division War Department.)

Hon. R. W. Johnson
Senate

War Department
Washington February 2d 1857.

Sir

Since my letter to you of the 26' December last, in relation to the conduct of the Quarter master's clerk at Fort Smith, I have received your letters of the 28' and 30', which the pressure of business and serious illness in my family has prevented me from answering heretofore. You were informed by the Quarter master General that he was expecting a report from the Quarter master at Fort Smith in reply to similar charges (through a newspaper) to those left by you at the Department. I now have the honor to transmit a copy of that report, and the letter of the Quarter master General calling for it. From the statement of the Quarter master it would seem that the hands employed by the Government, who were on the keel boats, were detained by high water, and that as they could not proceed at that time to their destination, they were, on their request, permitted by the *Quarter master* to return to town and vote,—the public service receiving no injury thereby. As this was a privilege to which they were entitled in common with every other citizen, I do not perceive how it could have been lawfully withheld from them. With every desire, therefore, to gratify your wishes, I could not consistently and justly pursue a different course from that indicated in my letter of the 26' December. The original papers, however, have been retained, and will be, according to your request, filed in this Department for any further action that may be required in the case.

With reference to the slip taken by you from a letter to S. H. Montgomery, and enclosed in your letter of the 30' December, I regret that, in the multiplicity of business, the special charge

[1]Johnson, Robert Ward (1814-1879), political leader, was born in Scott County, Ky., July 22, 1814, attended the Indian academy near Frankfort, graduated from St. Joseph's college, Bardstown, Ky., in 1833, and from the Yale law school in 1835. He practiced law in Little Rock, Ark., 1835-1847; was prosecuting attorney for Little Rock circuit, 1840-1842, and state attorney general, ex-officio; was a member of the national House of Representatives from March 4, 1847, to March 3, 1853; U. S. Senator from July 6, 1855, to March 3, 1861. Johnson was a delegate to the provisional government of the Confederacy in 1862 and a member of the Confederate Senate, 1862-1865. He died in Little Rock, July 26, 1879. He sustained the opinion of John C. Calhoun in opposition to Henry Clay.

contained therein escaped my attention until recently, when re-examining the papers in the case. This charge against the clerk is of such a character that it cannot be permitted to remain on file without prompt investigation. If true, he shall not remain in the public service a moment. The Quarter master General has, therefore directed the Quarter master, Lieut. Jones, to examine into the facts, and if Mr. Willard has given a due bill in a single instance to a public creditor, to discharge him.

Very respectfully Yr ob Serv
JEFFN DAVIS
Secretary of War.

Jefferson Davis to James Buchanan

(From Pennsylvania Historical Society.)

Washington D. C.
Feb. 2, 1857

Hon. Jas. Buchanan
&c. &c.
My dear Sir,

I sincerely regret to learn that you are too unwell this morning to make the contemplated visit to the work of the Capitol extension. In addition to the pleasure anticipated from conversing with you on other subjects than those connected with politics, of which I expect like myself you have a surfeit, I was desirous to make you acquainted with Capt. Meigs whose conduct of the Capitol extension is worthy of high praise and who expressed a wish to show you the work.

He is the son of Dr. Meigs of Philad. of whom I suppose you know something both personally and professionally.

I trust my dear Sir you will be warned by your first illness to fly away and be at rest, if indeed there be a place of rest to be found where your ears will not be reached by the continual cry of those who would be remembered "when thou comest into thy Kingdom."

Responding cordially to your wish to renew our old relations of friendship and confidence, and abstaining from calling on you lest I should swell the already overflowing tide of visitors I am with the best wishes for your personal and political welfare very truly

Your friend
JEFFN : DAVIS.

J. W. French[1] *to Jefferson Davis*

(From the Library of Congress. Manuscripts Division.)

West Point 4 Feb. 1857.

My dear Mr Davis

I am thankful that our mutual anxieties have some relief, and that Mrs. D——has so far recovered, that we may hope for that perfect recovery, through God's merciful goodness, for which I wish and pray. I have been suffering constant anxiety for her, and feeling the deepest sympathy for you. I would not write to you and impose on you necessity for writing. The cloud is drifting away, and your sunshine will soon be as bright as ever, leaving to you those valuable monitions and influences which come from Adversity, which are among life's highest blessings, and which you will cherish in a course which I hope to see ever onward and ever upward.

With the mother in safety you will accept congratulations for the gift of a son. May his life be preserved, and divine benedictions rest upon him.

I was really troubled when I found that my speculations for systematizing my department, had made you feel the necessity of writing, when you already were overburdened with public care. I felt most grateful for your letters which I have had no time to answer. But I wrote to you to interest and please you in relaxation from public business but not to impose business on you. I thought such trains of thought would be a solace after public responsibilities. I also found the best way to think was to address some one. I was in error in regard to your agency for appropriations, I also did not understand the power of the Superintendent and the chief engineer. Feeling the value of time here for the classes, knowing what could be done by a sufficient appropriation, seeing you soon to leave the War Department, imagining that members of Congress would come to you for financial estimates, I did suffer a burden of "il faut de l'argent" to mingle with the song. That however was a mere accessory.

I am very glad that $500 were added to the estimate for the Library.

I will again write my thoughts when I can, but only on condition that you will not write in return, except as a matter of gratification and pleasure.

I must officially through the Board present to you before you

[1]Professor of ethics in the Military Academy.

leave office the question of removing from the course the present objectionable text book in Moral Philosophy. The strength of my conviction is great. In every branch I have suffered for this year the whole defective system to go on under my eye, and that of others, while I was preparing, and indicating to others in contrast a radical reorganization. But I consider that text-book while containing much that is not only excellent but admirable, to be yet so defective in giving the full range of ethical principles, and so dangerous in some of the false principles it lays down, that I am unwilling there should be a possibility that your successor in the War department should prevent its removal.

I have been confined at home for some days with a cold and sore throat. My head is aching from reading & study.

Give my love most affectionately to Mrs D. Assure her of my interest and prayers. My family joins me.—

Every my dear Mr Davis,
Most warmly and devotedly
Yours
J. W. FRENCH.

Jefferson Davis to David D. Porter

(From Letter Books Secretary of War Old Records Division War Department.)

Lieut. D. D. Porter
U. S. Navy,
New York,

War Department
February 27. 1857

Sir,

You will, with the least delay, report in person at this Office, bringing with you such materials as may be necessary for a full explanation of all matters connected with the duties to which you were last assigned in relation to the camels.

Very respectfully Your Obt Servt
JEFFN DAVIS
Secretary of War

G. W. McElrath[1] *to Jefferson Davis*

(From the Library of Congress. Manuscripts Division.)

May 2nd 1857 [?]
Warrenton
Miss

My dear Friend:

I have long desired to see you—but circumstances, over which I had no control, precluded me the pleasure. After a month's

[1]A prominent planter of Mr. Davis' home county.

arduous labor & constant vigilance, our levee around Warrenton gave way on the 30th of March, and we were wholly submerged, —fruit trees, flowers, garden & & all destroyed, and on the 10th of April the levee on my plantation broke and the land that was left free from water by the crevasses at Whites' & Diamond Island levee, was immediately inundated, and I was obliged to have my stock transported to the hills. The water is more than twenty inches higher here than last year, and within a few inches of being in my house; I have but little hopes of making even a corn crop, as the prospects of an immediate fall of the water is very uncertain.

I have heard nothing definite from your plantation,—but I fear that you also have suffered a heavy loss from the overflow; I sincerely hope that you are not much injured, and that Mrs Davis' flowers & have escaped the devastating effect of the water;—I fear, however, from the great height, and unprecedented rapidity, with which, the water rose, that nothing could be done effectually towards their salvation.

I hope I shall have the pleasure of seeing you on the 9th Inst at Vicksburg, as the Commercial Convention convenes there at that time.

I have been urged by the friends of Gibeon Gibson to write to you, to endeavor to obtain your good offices, to procure for him the consulship to Genoa: I think the demand preposterous, and I will endeavor to dissuade his friends from pressing his claims for that or any other office;—it is absolutely absurd to expect a Democratic administration to bestow its favors upon, not only a Whig but a Know Nothing, and thereby save you further annoyance in the matter.

When you write to Mrs Davis tender to her my kindest regards and remember me to Maggie & Master Jeff.

Mrs McElrath send her regards.

Your sincere friend
G. W. McElrath

William Maynadier[1] *to Jefferson Davis*

(From the Library of Congress. Manuscripts Division.)

Washington, May 8th 1857.

My dear Friend:

I received a letter, this morning, from Profr Bartlett, in which, referring to "strong probabilities that Mr French is to be

[1]Maynadier, William (1806-1871), a soldier, was born in Maryland in 1806, graduated at West Point in 1827, and was assigned to the artillery.

"taken from us and Mr Sprole returned in his place," he asks "what can be done to turn this calamity from us."

I will tell you what I have done. On learning that Mr Sprole was here, making efforts for restoration to the Chair of Ethics at the U. S. Milv Acadv, I went to the Secretary of War, and informed him why Mr Sprole had been displaced—viz. for incompetency to discharge, properly, the duties of the professorship —and the evidence of that incompetency—viz, reports of boards of visitors, filed in the War Dept., Engineer Bureau, and officially published in Congressional Documents. I told Mr Floyd that I spoke confidently of the cause of Mr Sprole's removal, so far as your agency in the matter was concerned, because I had learned it from you—that you had satisfactory evidence of Mr Sprole's unfitness, and a knowledge of Mr French's eminent qualifications for the place, and had made, or advised, the change from a sense of public duty. I also read to Mr Floyd extracts from letters, addressed to me by Col. Francis H. Smith, Prest of the last Board of Visitors at West Point, in which he mentions Mr Sprole's unfitness for his place, and refers to the report of the Board on the subject, and particularly the sub-reports of the Committee on instruction, prepared by Dr Wheeler, of Vermont, a Presbyterian Clergyman, another of that Comee of three being also a Presbyterian Clergyman Dr Spotswood of Delaware—and of the Committee on moral & religious culture, prepared by Dr Spotswood, and signed also by Maj. Hendricks of Indiana, a Presbyterian elder. I also referred Mr Floyd to Col. Smith, whom he knows well and favorably, for any farther information, if he should desire any. He heard me patiently, and said that he would not act in the case without due circumspection. So, if he joins in bringing about the restoration of Mr Sprole, he will do so with his eyes open, and with a full understanding of the cause of his displacement—I also had a conversation with Gen[l] Totten on the subject—He was lukewarm, and non-committal, and I left him with the conviction that he was prepared to act, on either side, according to circumstances.

From 1827 to 1832 he served at Fortress Monroe, Va., on ordnance duty and in the artillery practice school. He was aide-de-camp to General Scott in 1832 in the Black Hawk War, was on the staff of General Macomb in the early part of the Seminole War, and thereafter to 1860 was usually on ordinary duty at the Pikesville, Md., arsenal and at Washington. In 1861 he was in command of the Frankford, Pa., arsenal; and during the civil war was at first executive assistant in the Ordnance Bureau at Washington, with rank of lieutenant colonel; and then, with rank of colonel, Inspector of armories, arsenals, and ordnance depots. Returning to the Ordnance Bureau in 1864, he remained there until 1867 (promoted brevet brigadier general in 1865), and then until his death in Washington, D. C., July 3, 1871, was inspector of arsenals and armories.

It is reported that Mr Sprole has Genl. Cass on his side, and relies strongly on his advocacy—as also on female influence, growing out of Presbyterian predilections. I state the foregoing for your information, leaving it to you to do anything, or nothing, in the case according to your own views of what is best.—I trust that this will find you and your family well, as I am happy to say is the case with me & mine. The latest *news* I have is the birth of another grandchild, my sixth, at Fort Ridgely—mother & boy both doing well—

With kind regards to Mrs Davis, I am,

Very Sincerely, Yr friend,

Wm Maynadier

[Indorsed: Maynadier about Mr. French]

Jefferson Davis to Franklin Pierce

(From New Hampshire Historical Society.)

Fortress Monroe, Va.
8 May 1857

Given on this day made bright by a visit of my beloved friend and ever honored chief.

Jeffn: Davis

To Presdt. Franklin Pierce
Present.

Jefferson Davis to George W. Jones

(From Historical Department of Iowa.)

My dear Friend, Brierfield, May 9th 1857.

I am surprised at the result which you announce in relation to the Wisconsin appoin-tments, it is certainly not in keeping with what I understood to be the President's intentions. At a subsequent interview, perhaps a week after the time I called with you he promised me that he would recollect the name of Col Bequette of whom I spoke to him very specially, and I hope he may have made a memorandum which will not permit him to forget it. I can well understand the feeling you manifest, and you certainly have cause to complain of the case of the Postmaster at Keokuk after you were invited in the manner stated to make recommendations, but I do not perceive upon what principle you should resign. You have discharged your whole duty in the first instance by recommending appointment fit to be made and which would have been acceptable to your constituents. If disregarding this the Administration should nominate persons who are unworthy you then have in the second stage of the

proceeding another duty to perform, and in any case which you could fairly consider as an outrage upon yourself or your constituents I doubt not the Senate will sustain you, and that the rejection of such a nomination will leave you in a better position both with the Adminis-tration and with your constituents than any other which you could occupy. In the remarks to which you refer as made by me in the Senate you will recollect that I stated to Dr G. that if he objected to the nominee for cause, I might if it was stated, vote against his confirmation, but that I could not do so on the ground that the Senators from the state had not been consulted; and that he denied having any objection to the individual and pressed his claim to an adviso-ry power over nominations to be made of the Citizens of the State he represented. Now this you will see is destructive of the division which the Constitution makes, and will strip the Executive of his prerogative of nomination so that in point of fact two members of the Senate would nominate to the Senate in session, the appointments which they might deem it expedient to make—the rule if it is worthy anything would have to work both ways, and a State represented by the enemies of the Administration would thus possess the means of paralizing its policy, in a large number, it might be a majority of the states. The Constitution makes it the duty of the Senate to revise the appointing power of the Executive, give them the power to confirm or reject the nomination. There surely can be no indignity in not asking a Senator to do more than belongs to his office (viz), to give advice before the nomination is made. I do not expect my advice to be often asked or followed, and I am quite willing to be relieved of the responsibility of their appointments. We shall have work enough for you, and whilst I am there I can't afford to spare you so, think no more about resigning, but bring your state into line and secure first your own reelection, and then a good colleague.

With my best wishes for you and yours in all of which Mrs Davis unites I am very truly your friend— JEFFN DAVIS

Jefferson Davis to James Buchanan

(From Pennsylvania Historical Society.)

Warren County Mi
June 19, 1857

To the President

My dear Sir,

I have been informed that an effort was being made to induce you to remove the Chaplain of the Military academy Mr.

French, and to restore his predecessor Mr. Sprole. The deep interest I feel in the Military academy will I hope be a sufficient apology for my writing to you a statement of the causes which led to the removal of Mr. Sprole and the appointment of Mr. French.

It has long been the subject of remark that the graduates of the Military academy whilst occupying the first rank as scholars in the exact sciences were below mediocrity in polite literature. Their official reports frequently exhibit extreme poverty of style. To remedy this I increased when in the War Dept. the course of English Studies, and in the examination of the text books found among other objectionable and defective features that Wayland was the author used for instruction in moral philosophy. Mr. Sprole's motives were relieved of censure by the evidence afforded by the reports of successive Boards of visitors containing facts conclusive against his capacity, and when the course of English studies was enlarged the fact became more apparent and the report of the Board of 1856 was quite explicit—Convinced that a change should be made, much deliberation and inquiry into the qualifications of persons who would accept the post led to the selection of Mr. French. I know him as a pastor of the most exemplary piety, a man of travel and most varied learning. A hard student generally, his labors had been specially extensive in the field of language, logic and ethics. He had on these subjects a larger mass of manuscript translations of the ancient authors than any one of my acquaintance; and the work of twenty years seemed to point to such a professorship as existed in the U. S. academy, and for which new text books were desirable.

Not to weary you with details I will only say, that the course of studies of Cadets and the little preliminary education exacted for admission requires that the text books should have a special character. To train the men who are at the head of armies to maintain the honor of our flag, and in all circumstances to uphold the constitution, requires a man above sectional prejudices, and intellectually superior to fanaticism. Like his great Uncle Justice Baldwin I believed Mr. French fulfilled those conditions. That it was not sectarian preference which led to his selection on the removal of Mr. Sprole is to be seen in the fact that the change was made by a President who belonged as does Mr. Sprole, to the Presbyterian church, and that the sub reports of 1856 which explained and enforced the suggestions of the general report of the Board of visitors were made by Presbyterian Clergymen—viz—Report of the Committee on instruction by the

Revd. Dr. Wheler of Vermont and the report on moral and religious culture by the Revd. Dr. Spottsword of Delaware, both Presbyterian clergymen.

Let me assure you in conclusion that I have not lightly thus put myself in the attitude of one volunteering advice, but have been urged to this statement by a sense of my duty to do justice to others, by my desire to serve my Alma Mater, and by the belief that the information might be useful and if otherwise would not be unacceptable to you. Mr. French was not an applicant for the post, knew nothing of his name being canvassed until after I was authorized to offer him the appointment and then hesitated for some time (say a week) before he agreed to accept it—I hope he has now heard nothing of the report which has led me to inflict this long letter upon you.

Very truly your friend
JEFFN: DAVIS

William Maynadier to Jefferson Davis

(From the Library of Congress. Manuscripts Division.)

My dear Friend: Washington, June 29th 1857.

In view of the recent rapid increase of the congregation of the Church of the Epiphany, the Vestry have found it necessary to enlarge the Church edifice, and they have decided to do so, and at the same time to embellish and improve the building, both internally and externally—

For this purpose they have had plans and specifications prepared by the Architect of the Treasury extension, Mr. A. B. Young; have invited proposals for doing the work, and have awarded the contract for the same, at a cost of $10.490, the lowest bid.

To raise the necessary funds it is determined to call on the members of the congregation and the friends of the Church, and I am requested by the Finance Committee of the Vestry to inform you of the object in view, and afford you the opportunity and privilege of contributing towards its accomplishment—

Contributions may be paid immediately, or by instalments, periodically. The enlargement will add about 70 pews to the Church, and any contributor, who may purchase one of these pews, can deduct the amount of his contribution from its cost.

Should you desire to avail yourself of the privilege, above referred to, please inform me, or Mr Gilbert Rodman, Treasurer of the Church, of the amount you will contribute, and how payable—

To the foregoing *official* permit me to add the expression of my hope that yourself & family are well, and that we shall have the pleasure of seeing you and M^rs^ Davis at the Epiphany next winter, if not sooner— We are all well, and there is nothing here in the way of news of special interest. I have, through much patience and labor, worried a settlement of my son Henry's accounts through the 3^rd^ Auditor's Office, and the result is that they have been forced to admit that the Government is, and has been for eighteen months, his debtor—I pity him and any other Officer, whose accounts come under the supervision of that Office now, without having a friend on the spot to attend to them— Yours, Very truly,

[Indorsed: Maynadier.] W^m^ MAYNADIER

Samuel Cooper to Jefferson Davis

(From Confederate Memorial Hall. New Orders.)

My dear Colonel, Washington (D. C.) July 24, 1857.

On seeing your well-known characters on the envelope of your letter to me of the 13th inst. I was somewhat prepared for the contents, having just before left the Secretary of War, who had shown me your letter to him of the same date. In speaking to me on the subject the Secretary, without recollecting the precise wording of his letter to General Wool, was satisfied from your remarks and from the newspaper slip enclosed by you that a meaning had been given to his letter very different from that which was intended to be conveyed. He told me that the sword was brought to him in a box by some one in the office, with the remark that it had been prepared under a resolution of Congress for General Wool, and that the first thought which occurred to him was to forward it at once to its destination. It so happened that Capt. Shields, formerly in the army and A. D. C. to General Wool, called afterwards at the office and asked to be permitted to take charge of the sword, which was readily granted. After Capt. Shields had left the city with the sword it occurred to the Secretary that it was proper a letter should accompany it, and accordingly one was prepared under his general direction, and hastily sent off to Captain Shields in New York. This letter you will receive with the rest of the correspondence enclosed in the Secretary's answer to you, and I think you will find that it does not bear the construction given to it by the newspaper writer—at all events it was furtherest from the Secretary's intention to make use of any expression in

it which would give the slightest cause for complaint, or to which any exception could be taken.

In the correspondence you will find my letter to Genl. Wool and his reply and will perceive that my letter has not, strictly speaking, the usual official marks. I received from Mr. Campbell a suggestion that I should write a letter to Genl. Wool about the sword, and as I did not know how far you wished the strictly official form to be given to it, I wrote it as you will find it copied, intending that it should be regarded by Genl. Wool as official or semi official as he might think proper. In his answer to me he says "your letter seems to have the impress of authority," and he treats it as such by replying to it in a letter which has all the official marks, and yet in his letter to the Secretary of War he characterises my letter as private, but he absolutely makes it official by the fact of sending it in an official communication to the Dept. But whether my letter was official, semi official, or private, one thing is certain: it contained information (such as could be derived nowhere but from the War Dept.) that efforts had been made to transmit the sword to his Hd. Qrs., and that as no opportunity had offered, and in view of the risk which would be incurred and the liability to loss on so long a route, it was thought he might prefer to give it a different direction and he was invited to signify his wishes on the subject. How he can, after all this, say, as he does say in his letter to the Secretary of War, that he has not been informed why you refused to send him the sword, passes my comprehension.

I was not aware that the sword had been sent to General Wool or how it had been sent, until a short time since, when General Cushing, then in the city, called on me at my office with a similar newspaper paragraph to that which you enclosed to Governor Floyd, and asked me if I knew any thing about the matter to which it related. This induced me to look for the entire correspondence. His intention in seeking to obtain a copy of it was to make an answer in the public papers. I suggested to him on handing him a copy of the correspondence that I thought it due to you that you should first be consulted before any publication was made, to which he readily conceded.

The newspaper paragraph has some significant marks upon it, evincing if not written under the supervision of Genl. Wool, it must at least have been written with his knowledge and consent, for the writer says he has been furnished with the correspondence, which he only could have obtained through Genl. W. You will best know how to appreciate and of course how to treat this.

I was much gratified my dr Colonel to hear from you, and to learn that Mrs. Davis and the children were quite well and that my grandson is in so flourishing a condition. May he live to prove a mother's joy and fulfil a father's anxious hopes.

I have written so long a letter that I will not burthen you further with details on general subjects, except to remark, what you may have anticipated, that the push against your book of regulations still continues; but as the Secretary has resisted thus far he is likely to resist to the end.

Ever sincerely Yr friend
S. Cooper

Honbl. Jeffn. Davis
&c &c
Hurricane P. O. Warren Co. Miss.
endorsed: Private. About Wool's sword or rather his falsehood. J. D.

Jefferson Davis to E. F. Watkins.

(From the Mississippi Department of Archives and History.)

Dr. E. F. Watkins, New Orleans, Oct. 18th, 1857

My dear Sir:

We were not able to go directly on and now expect to leave for home tomorrow, Tuesday evening. On calling at the office of Payne & Harrison, I found that the title to the Cook lot had not been completed. A deed was tendered but there was no evidence of the legal power of the widow to sell the right of the minor heirs and the matter rests for the return of Mrs. Cook, who it is supposed will be able to solve all doubts. In this state of case, you will see the propriety of arresting all further expenditure for improvements.

The two jobs of fencing and grubbing will leave the lot in a condition to grow better as time wears away and I hope in due time the title will be made complete. Miss Watkins seems to be enjoying herself in the city but her letter to her mother will have given you, I doubt not, full information. With my affectionate remembrances to Mrs. Watkins and the children, I remain very truly yours,

Jeffn. Davis.

P. S. Annexed please find a bill for three hundred and fifty dollars, which will leave a small margin on the contracts of Waycott and of Kelly. With many thanks for your kind attention,

Yrs.
Jeffn. Davis.

Jefferson Davis to John B. Floyd.[1]

(From Pennsylvania Historical Society.)

Washington D. C.
Dec. 16, 1857.

Hon. Jno. B. Floyd,
Sec. of War

Sir, it gives me pleasure to present to your favorable consideration the name of John Rogers Meigs for the appointment of Cadet "at large."

He is the Son of Capt. M. C. Meigs of the Army and therefore belongs to that class not eligible for an appointment from a Congressional District. The young gentleman possesses high mental and physical qualifications for the military service, exhibits a fondness for scientific pursuits and gives promise of a career worthy of his illustrious Grand Father Commodore Rogers, and his distinguished and useful Father Capt. Meigs.

I am sure his appointment would give much satisfaction to the large number of the friends and admirers of Capt. Meigs, & to none more than to your friend and obt. sevt.

JEFFN: DAVIS.

I cordially concur with Col. Davis in the above recommendation

S. A. DOUGLAS

I also concur very cordially in the above.

R. M. T. HUNTER

I also cordially concur in the above.

WM. M. G. GWINN

The undersigned cheerfully concur in the foregoing recommendation.

ALFRED IVERSON
J. A. BAYARD
A. G. BROWN
WM. BIGLER
Z. CHANDLER
C. E. STUART
J. M. MASON
JOHN SLIDELL
J. P. BENJAMIN

[1]Floyd, John Buchanan (1807-1863), a political leader, was born at Blacksburg, Va., June 1, 1807, and was graduated from South Carolina college in 1826. He practiced law in Helena, Ark., 1836-1839; returned to Virginia in 1839; was a member of the Virginia legislature, 1847-1849 and in 1853; was Governor of Virginia, 1849-1852; Secretary of War under

Remarks of Jefferson Davis on the Treasury Note Bill.
Dec. 19, 1857

Mr. DAVIS. I look on the proposition that is submitted to us as simply a proposition to borrow money for the immediate use of the Government. If the Government is censureable for the fact that the Treasury is empty, or about to become so, then I can perceive the point of the inquiry as to the cause which has produced the financial distress and thus prevented the receipt of revenue into the Treasury. I would say, however, that I have heard not yet assigned what I believe to be the true reason for the diminished revenue of the United States. Among the remarks which have been made, there have been some directed to that interest and to that section of the country which I, in part, represent. The honorable Senator from Rhode Island [Mr. Simmons] yesterday gave warning and advice to those who represent the cotton-growing region. To-day, time after time, we have heard one cause and another assigned, and among them, chiefly, the great imports of the country.

Now, sir, that, as the country increases in its wealth and population, imports should increase, should excite the surprise of no man. I am sorry that it should excite the regret of any one. It is a fact that the imports of last year did not exceed those of the preceding year as much as those of the preceding year exceeded those of the one before it. There is a steady progress, owing to the very great prosperity of the country, and something is also due to that excitement which over banking produced.

The sale of cotton is usually transacted by bills of exchange. That is the ordinary commercial course; and the whole embarrassment which fell on the southwest and the lower Mississippi, was due to the fact that the goods were imported into the city of New York which were consumed in that section, and the cotton was bought with bills which were to pay for the goods imported into New York. When New York, by extravagance, by her speculation in railroad stocks and western lands, became bankrupt, and was no longer able to pay for the goods

Buchanan from March 1857 to December 1860. He was charged with overstocking southern arsenals but after investigation the charges were declared to be without foundation. Floyd was commissioned a brigadier general in the Confederate Army, was wounded at Carnifex Ferry, September 10, 1861, and commanded at Fort Donelson, February 1862, until succeeded by Buckner. He died near Abingdon, Va., August 26, 1863. While Governor he advocated a tax on products of States which would not deliver up fugitive slaves of Virginia masters.

she imported, not because there were not consumers in the country, but because they had proceeded on credit alone in their importations, and could not, therefore, buy the bills of exchange which were to move the cotton—then it was, and for that reason entirely, that commercial distress came upon the southwest.

We are told, also, of the great increasing expenditures of the Government. Sir, I have no respect for that sort of economy which adds up long columns of figures, and announces this to be economical and that extravagant. This year one may spend a large amount and next year a small amount; but, if the fruits of that expenditure of this year remain to posterity, and are worth more than the money disbursed, that is good economy.

Then again, sir, how are administrations, this or the past one, to be held responsible? It comes badly from the other side of the Chamber, where so many criticisms, and even denunciations, were heaped on the last Executive for his vetoes, to now point to the aggregate sum expended, and arraign that as an accusation against him. The estimates of this Administration are sent to Congress in accordance mainly with the acts of Congress. Change the service if you wish to reduce the expenditure. It is idle to call on the public officer to reduce the estimates, and yet require him to perform the particular service. The President and his Secretary recommend measures in advance of legislation, because in their belief they are necessary for the good of the country. It is for the Senate and House of Representatives to decide whether they will adopt the recommendation or not; but if they adopt the recommendation—if they impose the execution of the duty on the Executive, they have no right to turn around then and add up how much has been expended, and charge it to the Executive.

As to the advice which was given to the cotton planters, (which, if I understood it correctly, was that they were to encourage an increased consumption of the raw staple in the United States,) I will merely say that if that encouragement is to be given by paying additional duties on imported goods, that is to say, if we are to get our neighbor to use our corn by sending him a mill to grind it, we have a right to add up the dollars and cents there, also, and ascertain whether it is to our interest or not. My impression is that it is not—that it matters not to us where our customer comes from. We have an article to sell, and it is for sale to him who will give the most for it. New markets are an advantage, but encouragement to a particular buyer is none. We want markets in every quarter of

the world, so that the consumption of that staple which we produce may keep pace with its increased production, or, if it exceed it, may enhance the value of it to those who produce it. So far as this is made into the form of an appeal to our support to a protective tariff, I imagine there is not one among us who will ever yield to it.

Looking upon this bill, however, as a mere proposition to borrow money, I will not say it is the form which I would prefer. Fearing the temptation to extravagance, not in the Administration, but in the Congress which directs the objects of its expenditure, I am sorry to see adopted a plan which so easily exceeds the just revenues of the country. If we may run on increasing our debts from year to year, meeting every extravagant scheme by an appropriation which will cover it in this easy manner of furnishing the means, no one feeling the pressure, no representative responsible to his constituency for a tax which is imposed, I fear that abuse may come, and therefore I say this is not with me a favorite method of raising money.

But I am glad to find that instead of these notes being issued, as has been recommended in some of the commercial portions of our country, merely to throw specie into circulation, to become a safe deposit, they are to bear interest. That interest, and the necessity of assignment from hand to hand as each note passes, will perhaps prevent these notes from going into general circulation, and assuming, as has been asserted, the character of bank notes. Then, according to the limitation which I think has been wisely proposed by the Senator from New York, to confine the bill to one year, if our hopes are realized of returning prosperity to the country, and the equalization, by exchange, of that which we have to give for that which we have to buy, thus restoring to us the ordinary revenue of the Government, I trust when these notes are redeemed, the day will be far distant when we shall have to issue another.

I say this especially to those who have arraigned the last and the present Administrations for their extravagant view, because it depends on the Congress and not on the Administration to keep down the expenditures of the Government. The Executive can alone see that the money is honstly disbursed, and properly applied to the objects indicated by Congress, and in such sums as Congress may grant. If we are going to make harbors where nature has made none, to build up cities where commerce has to be drawn, by heavy appropriations from the United States, then we shall want increased means of supplying the Treasury,

and probably shall have to extend the credit of the United States also.

Nor am I at all opposed to the suggestion of the honorable Senator from Kentucky, [Mr. Crittenden,] to connect with every use of the credit of this Government, whether in the form now proposed or in any other, some direct and special mode of supplying the money which is to redeem the debt created. On this occasion I should be glad to see every article now on the free list put on the dutiable list. Those articles of general consumption which, by the popular cry, have been put on the free list, and which are the most fit subjects of taxation, ought to be restored to the dutiable list and thus contribute to fill the Treasury. All that long list of articles which my honorable friend from Virginia added at the last year to the free list, which, however advantageous they may be to the manufacturers of the country, enter into the increased value of their article, are as fit subjects for duty as the article itself. Everything that will bear a duty, according to my ideas of a revenue tariff, should have the duty imposed on it which it can pay, and then we should scale down to the lowest duty that will furnish a sufficient revenue to the Government. That would be my mode of answering the proposition of a just distribution of duty—a distribution which should cover everything which is imported, and which should be the lowest on each thing that the necessary revenue of the country would permit—approximate free trade; I wish it were absolute. I wish that no Secretary of the Treasury ever had again to send in an estimate of the cost of collecting the duties from imports, that the custom-houses were abandoned, and the army of retainers of the Federal Government employed to collect the taxes through impost duties, dispersed among the people. I should like to see free trade existing throughout this Union, with all its fraternizing effect on the nations, with all its beneficial results to the laboring masses, each receiving that which can be made elsewhere cheaper than he could produce it himself, and each exchanging that which nature and the industrial habits of his country enable him to produce more cheaply than others. Then we should at once be rid of all frauds upon the Government.

But as I do not hope to attain that desired object, I will say one word on the oft-repeated charges of fraud upon the Government by false invoices. That invoices may be so skillfully framed as to deceive the best appraiser, I do not doubt; that labels may be put upon things for export to the United States, that will deceive even a practiced eye, whilst there will

be that slight difference that will shield the parties and protect them from the charge of forgery, I have had occasion to observe; but I think the fault is not in the law, or if in the law, it is less there than it is in the want of capacity in the appraisers. I think the duty properly discharged by the custom-house officers will leave but little to complain of in the way of fraud, by invoices or otherwise.

It has been with me, from my earliest manhood, a matter of gratification, that my own countrymen, alone of all the world, constituted a race that looked upon smuggling as a crime—who, parts of a Government that belonged to themselves, paid the duties which their laws imposed, and aided the Administration in collecting those duties by voluntary efforts of their own. To what other land shall we go to find a people who would discredit a man because he smuggled in foreign goods? The evil may exist in our country; but if so, I believe it to exist in a very small degree. I believe there is no public tone in the country that would countenance it for a moment, and I am sorry that Senators should dwell upon frauds which are but incident to the imperfection of those who are to execute the laws, and thus send us forth to the world in a character not our own; for I claim for the American people the credit of having such a respect for the laws of their own land that they are willing to maintain the revenue laws, even in those sections where they most oppose them.

Mr. SIMMONS. I do not propose to protract this discussion, but I did not exactly comprehend the remarks of the honorable Senator from Mississippi, in regard to what I said yesterday about the great staple of his section of country—cotton. He said that I had proffered some advice or suggestion. I hope he did not understand me as proffering any advice in an offensive manner.

Mr. DAVIS. Certainly not, sir. I would say to the gentleman that I considered him as presenting a set of sentiments that belong to one end of the fiber of cotton, and that I represented the opinions that belonged to the other end of the fiber.

Amos B. Corwine to Jefferson Davis

(From the Library of Congress. Manuscripts Division.)

Private

Panama, Dec 31st, 1857

My Dear Col.:

From "the lights before me", I am led to believe that the Congress of New Granada, which meets at Bogota on 1st of

February next, will reject the treaty recently negotiated by Genls Cass and Herran[?] The leading journals of the country are bitter in their denunciations of both it and our Government. A coalition has been formed between the Mosquera faction and the late Administration party to defeat the treaty should the President submit it to Congress.

By the provisions of the Act which authorized the Executive to re-open negotiations with the United States, after they had been interrupted by the withdrawal of Bowlin and Morse from the country, he was empowered to make a treaty without referring it to Congress; but inasmuch as the papers have assailed it, it is presumed he will lay it before that body rather than take the responsibility of approving it. The probability, therefore, is that it will meet the same fate as the propositions submitted by the Pierce Administration through Messrs Bowlin and Morse.

The recommendation of President Buchanan for Congress to pass an Act authorizing the Executive, in case of necessity, to employ the land and naval forces of the United States on this Isthmus, is a wise and judicious suggestion, and it is to be hoped that Congress will promptly respond. This is the only thing that will bring New Granada to terms.

It is perfect folly to treat with her. She has no idea of the obligations of a treaty. She must be made to feel the strong arm of the United States before she will consent to redress the wrongs and outrages inflicted upon our people. This Isthmus must sooner or later fall into the hands of the United States.

The better class of the native population see and admit the necessity of the change. A prominent citizen was heard to remark a day or two since, that one of two things was inevitable: that the people of the Isthmus would soon be ruled by the negroes or the United States, and that every man of sense would of course prefer the rule of the latter! The fruit is ripe—we need only come and take it.

By the enclosed slip from our Panama newspaper, you will see that I have had to pay my respects to an Englishman who assumed to cast some slurs upon our people crossing this Isthmus en route to California, and upon the institution of slavery as it exists in the United States.

Don't forget to send me occasionally the *Congressional Globe* with your speeches—otherwise, I will never see them for I never get a Washington paper. I will thank you to send me public documents occasionally.

Wishing you a Happy New Year—with my best regards to Mrs. Davis and much love to little Maggie, I remain,

my dear Col.

Yours most faithfully

AMOS B. CORWINE

[Indorsed: A. B. Corwine
Recd. Jany. 1858]

John H. George[1] *to Jefferson Davis*

(From Pennsylvania Historical Society.)

Concord N. H. Jan. 4, 1858

My dear Sir,

I learn from my friend Sidney Webster Esq. that you have been so kind as to urge my reappointment as attorney of the United States for this District. For your personal kindness I desire to express to you my most sincere thanks. The office is of itself quite unimportant, and its entire income is less than $400 per year. Under ordinary circumstances a reappointment would be scarcely desirable—under the present however it would be peculiarly gratifying to me.

During most of the period of Genl Pierce's administration I was the chairman of our State organization. I found it a duty and a pleasure at all times to defend both the men and the measures of his administration to the extent of my ability. My somewhat prominent and ardent activity gained for me the intense hatred of Mr. Burke—of Mr. Kittredge and others whose opposition to, and denunciation of Genl. Pierce's administration soon found vent in the recesses of the Know Nothing Lodge and only gave delight to the Abolitionists by whom they were supported and surrounded. These individuals now claim, to be the peculiar exponents of Mr. Buchanan's administration and they seek to strike a blow at Genl. Pierce through so humble an individual as myself. Every Democratic Editor in the State, our Candidate, and Ex-Candidate for Governor and two out of our three Candidates for Congress have requested my reappointment. Mr. Burke and Mr. Kittredge are violently opposed to me.

I dislike to have these men triumph and I feel doubly grateful to you for the obstacle which your kindness and friendship has thrown in the way of their success.

With the highest respect

Your most obedient servant

JOHN H. GEORGE

Hon. Jeffn Davis
U S Senate

[1] U. S. District Attorney for New Hampshire.

Remarks of Jefferson Davis on the Arrest of William Walker Jan. 7, 1858.

Mr. DAVIS. Mr. President, I wish to make one or two remarks before this matter passes from the Senate. I must dissent from the conclusion of the President, that the grant of the right to use the Army and Navy enlarged his jurisdiction and conferred upon the Executive powers which he did not possess under the law. He assumes that the neutrality law, which required that these expeditions should be suppressed, when it had added thereto the power that he might use the Army and the Navy in the execution of the law, conferred on him authority to go beyond the jurisdiction of the United States. From that I wholly dissent. This seems to furnish us a key to the policy which sent the navy out to the coast of Central America, there to prevent illegal expeditions sailing from the United States, instead of posting them where they should have been for that purpose, at the mouth of the Mississippi, the mouth of the Alabama, and the harbor of New York. Three cities, it was known by public announcement all over the country, and three alone, contained the elements of such an expedition—New Orleans, Mobile, and New York. If it was necessary to enable the civil authorities to execute the neutrality laws of the United States, the fleet should have been stationed there, and not upon the coast of Cenral America. If this expedition be all that is described, it was but a misdemeanor, an offense against the laws of the United States. The suspicion that there was a purpose thus illegally to make war upon a country with which we were at peace, would have justified their detention within the waters of the United States, in order that the case might be inquired into, but could not justify their arrest beyond the jurisdiction of the United States. They were not fugitives from justice. They were only men suspected of a misdemeanor. If we had possessed an extradition treaty that enabled us to call on the Government of Nicaragua for the return of a fugitive from justice, it would not have justified the course which has been pursued in this case. If we possess no such treaty—and such is my impression—then, though they had been fugitives from justice, they were safe from our reach as soon as they touched the soil of Nicaragua.

I cannot consent, even by my silence, to give my approbation to this extension of the power of the Federal Government by the use of the Army and Navy to perform acts the performance of

which has not been devolved by law on the President. The President has no more right to make an arrest than any of those members of the Senate who are now listening to me. He has no more power to issue process, and his Navy have no more power to serve it. At most, this was but the case of an individual, in violation of the laws of the United States, departing from the United States to enter into the controversies of another country. Whatever may be his character, whatever may be his purpose, is a subject into which I do not choose to inquire. I know nothing of him. I have no sympathy with such expeditions. I think we should execute our neutrality law within our own limits; but I hold that the difficulty which has so often occurred, and which has so often permitted expeditions of this kind to leave the United States, is inherent in the nature of the case. Our neighbors are too weak to require that a regular armament should be fitted out, that an army should be organized for their invasion. It is not according to the theory of our Government that we should establish a system of espionage in order that we may stop any six, twenty, one hundred, or two hundred men who may choose to leave the United States, cast off their obligations to our Government, and enter into revolutionary movements elsewhere. If they claim to be emigrants, what right have we to inquire into their future motives? If they claim the right to cross Central America, what authority have we to inquire whether they may not stop upon the isthmus? They are not, in the sense in which the term was used in 1818, a military expedition, but a mere handful of adventurers upon a transport-boat going down to a landing on the coast of Central America. Such an expedition as need be fitted out to go into the harbor of Liverpool, and there make an assault, could not leave our coast without every man in the country knowing it. Such an expedition it would be perfectly within the power of the United States to suppress. But, sir, when my attention was directed to this subject some years ago, at the time of the invasion of Lower California, when we received intelligence of a handful of men, (I believe it was but a dozen,) with side-arms, going and capturing the Governor and proclaiming themselves conquerors of a State, I felt how utterly idle it was for this Government, with our right of expatriation, with the right of each and every citizen to go where he pleases, and to bear arms, to attempt to suppress such expeditions as might be made use of against the southern and Central American States.

I think, sir, we are making a great departure from those principles which have heretofore controlled our Government.

We are attempting to enlarge jurisdiction to suit the exigency of the case, instead of turning back to the authority which has been conferred. If it be the will of Congress and of the country to confer on the Executive the power of keeping the police of the high seas; to give him the Army and Navy as a constabulary force to stand at foreign ports and arrest persons suspected of a misdemeanor, let it be conferred before he attempts to exercise it. That power has not been given, and I have felt it necessary thus to express my entire dissent from it.

Mr. DAVIS. I do not propose to continue the discussion of this subject. I expressed the dissent which I was compelled to feel to the opinion of the President, as to the power which was exercised. I have made no war on the neutrality law, and I do not see that those who agree with me have. I have not attempted to defend any one in the organizations of expeditions within the United States to make war upon a foreign country; and I believe, that no one who agrees with me has done so.

Mr. PEARCE. Though I do not agree with him in opinion, it was not the views of the Senator from Mississippi I was combating.

Mr. DAVIS. I am very glad to know it was not, because I have so much respect for the Senator from Maryland that I would regret to find him combating my positions on this question. I now pass to the purpose for which I rose, to protest against being mustered in, by the Senator from Illinois, among the recruits which he is enlisting, and in which he says he is more successful than Mr. Walker. Now, sir, I have not received bounty, and I object to being mustered in. [Laughter.] If the Senator, like the heir-expectant to an ancient throne, has established himself in a cave of Abdullah, and intends to welcome there all the disaffected, I am not in a condition to take refuge; and hope, unlike another cave, that the entrance to his asylum may show returning tracks, to account for many who may go in.

The Senator from Illinois argues as though every one who expresses a dissent from any opinion of the President of the United States had thrown himself outside of the Democratic party. Sir, we have heard more about party discipline than exactly agrees with my feelings. My relations to the party are those of a common opinion and unity of principle. My opinions are my own. Nobody can take them from me, and therefore nobody can determine whether I am inside or outside of the organization that belongs to those opinions and principles.

This doctrine of reading people out of the party is new to me. A venerable friend of mine, who used to sit in that chair, and

who is here no longer—I give offense to no one I feel, when I say, to the injury of the country he is no longer here—used to talk of "old fogies." These new and unwelcome doctrines seem to suggest to me that I have become an old fogy. [Laughter.] Whence sprang this power to issue an excommunicating bull—to pronounce who is in and who is outside of the party? I thought our party's door was broad and square, always open for any one to come in, or go out, whenever he pleased. But when any gentleman chooses, in going out, to raise his standard, and call for recruits to join him in war on an Administration with which we are at peace, that is a violation of the neutrality law—an establishment of recruiting and rendezvous to which I must object as an enlistment for a foreign service, and then come in aid of the Administration.

There is one point upon which I think it proper to make a single remark. Objection has been made to the President's suggesting to Congress the propriety of a modification of the neutrality law. I consider the law inefficient against our weak neighbors. It was designed to prevent military expeditions, such as could not secretly or unobserved leave our shores: it does not suffice to restrain such parties as may, though having all the semblance of peaceful emigrants, yet go forth and invade a defenseless State, or a few marauders, who may cross a mere geographical line to disturb the peace of a neighbor. Thus, in the case of Great Britain, during the period of what was called the "Patriot war," we had a special enactment to enable us to preserve the peace on that frontier—a law which terminated within two or three years, and the like of which might, with the proper modifications, be enacted now for the protection of the peace of these weak Central American States.

So far from censuring, I am inclined to applaud the suggestion that the law should be revised, and so far as the act of 1818 will not enable us to perform all our obligations to these weak American States, that we should modify it to that end. I think it should be the policy of the United States to strengthen our relations with the weaker Governments upon the American continent; that we should attempt to exercise the control of a directing hand as an elder brother, steadying the step of a younger. In order to extend our influence over these American States, we must not only discharge our national obligations, but make them feel that we extend the hand of protection over them, and, as far as is consistent with the theory of our Government, prevent our citizens from committing any violence upon them.

Ethel Barksdale to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

Jackson Jany 8th 1858

Hon Jefferson Davis;

My dear Sir:

I have received your note introducing Miss Windle, and have accepted her proposition. Having already engaged another writer at the capitol, Mr. E. A. Pollard, I have requested her to write but one letter per week during the session of Congress.

Our friends here approve the conclusions of the President touching the Kansas question; but dissent from his reasoning. Upon the issue as it is now presented, there is, of course, no division among the Democracy. Our opponents say but little; tho' I have long since learned to value lightly their professions when they make them.

The friends of the Administration will be much disappointed if the President does not stamp with emphatic disapproval the recent high handed act of Commodore Paulding.

Wishing you health and success in the stormy scenes that await the representatives of the Southern States, at Washington, I remain, Very truly your friend

E Barksdale

Remarks of Jefferson Davis on the bill for the increase of the army. Jan. 26, 1858.

Mr. DAVIS. Mr. President, the theory of our peace establishment, from the foundation of the Government, has been to maintain a small army, sufficient for the exigencies which would exist in time of peace, and capable of expansion to war necessities when war should arise. The adding of two companies to the regiment, as provided for in the bill, gives uniformity to the organization of the Army; it gives twelve companies to each of the regiments. Four regiments now have twelve companies. I esteem it a better organization than ten companies. If it turns out that we shall have such quiet among the Indians and elsewhere that it will not be necessary to have so many on the present establishment, which is not seventy-four, as the Senator supposes, but fifty-two to the company, it will be capable of reduction. Seventy-four men to each company was only provided for in extraordinary cases, as recited in the act of 1850.

That number to each company would give us on the peace establishment, in the large army of which the Senator from Georgia speaks, but eleven thousand nine hundred and fifty-six, if the thirty companies were added. If these eleven thousand nine hundred and fifty-six men should be found greater than the wants of the country required, then we should have an organization of the regiments susceptible of a division into three battalions, and a reduction of one third, keeping two battalions in the service on the peace establishment, and capable of sudden expansion, by the addition of the third battalion, in time of war.

So far from favoring the idea, which I know has been popular in both Houses of Congress for many years past, of increasing the rank and file in time of peace, I adhere to the theory of our fathers, which was so handsomely illustrated by Mr. Calhoun, as Secretary of War—a skeleton in time of peace, capable of sudden expansion in time of war, to the wants of the country. I have no disposition merely to reduce the expense by disbanding a few officers, to cut down our establishment to a few regiments, and to swell the rank and file of those regiments, so as to answer peace purposes. I prefer to incur the additional expense of keeping a larger skeleton, a greater number of regiments with a fewer number of privates, which gives us an efficient Army in time of war, by merely adding new privates to the old ones that constitute the skeleton company in time of peace, and prevents us from suffering those disasters at the commencement of a war which always ensue from an undisciplined army.

I think, sir, it will be an improvement in the organization of our Army to add two companies to each regiment, making them all uniformly consist of twelve. It will then be an easy matter, as I stated, to cut off the third battalion and reduce each regiment to eight companies, if the case ever should arise which the Senator from Georgia contemplates, of our having a larger army on this establishment than is necessary. I wish to call his attention to the fact that under the existing law, the number of privates allowed to each company is fifty-two, and the strength of the Army, therefore, with the thirty companies added, when the troops are not on frontier stations or in the field, will be eleven thousand nine hundred and fifty-six; and to that number it is competent for the President now to reduce the strength of every company of the Army, for he is only authorized or permitted to increase it to seventy-four, that not being our peace organization; for Congress, notwithstanding its preference for the rapid increase of the rank and file, has always had the

wisdom—I say the wisdom—to preserve that skeleton organization which constitutes a small company in time of peace.

But it is argued that this increase of the Army is on account of the Mormon war. That is not my motive, nor is it the line of argument which is pursued by the Secretary of War in his report asking for an increase of the Army. He begins by reciting the actual strength and the authorized strength. He then states the number of posts, the amount of frontier to be protected, and the length of the line of communication between the settlements and the point at which troops must be stationed, and he closes his brief, and I think very forcible, argument thus:

"To render governmental protection to our vast frontier and emigration perfect, a very large augmentation of the Army would not be required. Five additional regiments would answer the purpose, if properly posted.

"It will be seen from a paper carefully prepared from reliable data by the Adjutant General, that no increase of our forces is so efficient, or near so cheap, as the augmentation of our regular Army."

Then, the two motives which the Secretary presents—and his report is adopted by the President of the United States in his message—are, first, the necessity for the protection of the frontier and the emigrant route; and second, the economy with which it can be done in the manner proposed by him. The manner proposed in the bill before us is more economical than that of the Secretary. It does not give us so large a peace skeleton; but the committee has decided that the skeleton would be large enough on this bill, being nineteen regiments of twelve companies each. To strike off the addition to each regiment of two companies, provided for in the first section, and to leave the increase in the rank and file proposed by the second section, would be so small a measure of economy that I am sure, on a calculation, the Senator from Georgia would not urge it on that account. It would be merely adding the three company officers to each company thus added to the Army, the rank and file being supposed to be constant, either by reduction of the size of the company or otherwise. These three company officers—the captain and two lieutenants—being then all the additional cost of maintaining the larger skeleton, I do not think there is any financial consideration which will justify us in rejecting the proposition contained in the first section of the bill.

War, it is said, has not been declared against the Mormons; nor do I understand war to exist. I do not understand the

President to be levying war upon the Mormons. I do not understand that the Army which is now *en route* for Salt Lake has, on reaching that point, any other order than to enforce the laws of the United States, and see that they are faithfully executed. I regret, as much as any one, that it should be necessary to call in the troops of the United States to execute the laws of the Union in any of its parts. I regret, as much as any one, that a rebellion should exist in the remotest Territory of the United States; but wherever rebellion does exist, wherever there is insurrection against State authority or invasion of the United States, the President has the power to repel such invasion, to suppress such insurrection, to put down such rebellion, if it be in a Territory, without the necessary application by the Governor or Legislature of a State provided for in the case of a State.

Our forefathers, jealous of the use of the Army and Navy by the Executive, first provided only for the use of the militia, wherever the militia is competent to discharge the duty. I think every Executive who consults his own welfare, who properly appreciates the true policy of our Government, will resort to the militia rather than to the Army and the Navy; but is it not apparent that the President cannot resort to the militia in this case? The militia composed of the Mormon Legion to be called out by the President to execute the laws of the United States upon the Mormons! The proposition is so palpably absurd that no one can entertain it. His only resort, then, is to use the Army. If he attempts to execute the laws of the United States in the Territory of Utah, he is perforce driven to the necessity of using the Army, in case of any organized resistance to the execution of the laws. That there is an organized resistance in the Territory of Utah is reported; it is generally believed. I have no further knowledge of it than that which belongs to every member of the Senate. I take it for granted, however, that there is resistance, an organized resistance, to the laws of the United States, and that the troops will be employed to execute the laws when they reach their destination. If there be no resistance to the laws there, then it will be merely a march to that portion of our territory.

I have not yet received the report which I called for some time ago, in relation to the Indian affairs of Oregon and Washington Territories. I think, however, that we may rely upon the statements which are made, that the Indians there are in a disturbed condition; that white emissaries have been among them supplying them with ammunition; *à priori,* we might have

reached that conclusion, for the progress of the settlements towards the West, and then the progress of settlements towards the East, on the Pacific ocean, have driven these Indians into contiguity. Formerly dispersed in small bands, living in fertile valleys with tribal wars, traditionary hostilities existing amongst them, they were weak. Driven from their old homes, collected into great bodies, their former feuds suppressed by the necessity of the case, they become every year more and more formidable against the United States; and the long line of communication by which it is necessary to reach them, may make them, within no distant period, a formidable foe to all the power which the United States can employ.

Surely it is no argument to say that Indian wars have heretofore been reported; that troops have been raised to prevent them; and that when the troops were raised, there was no Indian war. God grant that that may always be the result. It would be a blessed consummation if the sending of a force into Utah should insure submission and obedience to the laws of the United States there. It would be a still more fortunate event if the posting of large bodies of troops all along our frontier should prevent the outbreak of Indian hostilities. To prevent hostilities is surely a more desirable object, and one which would better justify the expenditure of money, than to raise armies to exterminate Indian tribes, or shed the blood of inhabitants of the United States.

I have no doubt, myself, (and my early life gave me some opportunities for observation in that service,) that a large portion of our Indian hostilities has resulted from the very small garrisons which we keep on the frontier. The Indians whom we are now required to watch, are not like the Indians to whom the Senator from Georgia alluded. The Indians in Mississippi were generally friendly to the United States; and it was the traditionary boast of the largest tribe in that State, that they had never shed the blood of a white man. The Indians in his own State were more hostile; but settlements at that time advanced slowly. The greater portion of his State, like my own, was cultivable; the people went shoulder to shoulder as they encroached upon the Indian tribes. In these vast interior regions, however, where fertility depends entirely upon the power to supply water, little segregated settlements are formed along the valleys of streams, not of sufficient strength to sustain themselves, and there they invite the incursion of the savages, and there these hostilities usually occur. I think, therefore, that the present position of the Indians is nothing like so favor-

able, even if we had only the same number to combat, as that in which they formerly existed.

Then, again, it is to be remarked that a different race of men have been brought into contact with these Indians. In no spirit of boasting or sectional exaltation, I will say that the men who inhabited the southern States and the southern Territories, from their habits as hunters, had those prerequisites for military service that enabled them, without the support of the Government, to find their way into the Indian country, and to maintain themselves against Indian tribes. Even against the formidable tribes that possessed Kentucky when it was settled, the white man made his steady progress without the aid of any military force from the United States. Such is the history of our country. The reverse is the fact in relation to the population now brought in contact with the Indians of the West. To a large extent they are foreigners; and the residue of the population is, to a very great extent, made up of emigrants from the northeastern States. Neither of these people are accustomed to a life which qualifies them to meet the savage in his own mode of warfare. They require the protection of the military arm; and hence, year by year, it has increased as a necessity on the part of the Government of the United States, to give military protection to these settlements. Every year you have bills brought before you to indemnify persons for property lost; and Congress has so far adopted this theory of their obligation to protect the person that they have carried it to the security of his property. They have almost become underwriters of the property on the frontier. If it were a mere financial question, it would not be difficult to prove that it is cheaper to maintain a force which will prevent these outbreaks of the Indians on the frontier, than it is merely to grant that poor boon of indemnity to the family of him who has been murdered by the Indians when hostilities commence.

I hope, therefore, that the first section of this bill will not be stricken out. I believe that it will render the Army more efficient. I believe that when no hostilities exist, when no necessity for actual operations shall require the companies to be filled up to the large standard proposed, by reducing them to fifty-two we shall have a skeleton or peace establishment better suited to the purposes of our Government in time of war. I believe, also, that this will furnish us a convenient organization whenever we shall think proper to adopt it; making three battalions to each regiment; having two in actual service, and the third battalion disbanded when there shall be no necessity

for it, but called into service as regular, volunteer, or militia troops, and added to the two battalions which constitute the permanent regiment. These are my principal reasons for proposing the addition of two companies to each regiment, and these are the considerations for which I insist on its not being stricken out.

Mr. DAVIS. Mr. President, the fairness with which the Senator from New York presents his argument, and the clearness with which he views this subject—and that is characteristic of him generally—induce me to hope that he will not press his amendment after the very brief statement which I propose to make. It is to limit the use of the men, added to the Army by this bill, to operations in Utah; but the bill proposes to increase the size of companies; it proposes to add to each regiment two companies. Does he not perceive that it would be impossible, without breaking up the whole organization, the whole system of the administration of the Army, to send the men added by this bill particularly to Utah, if the rest of the companies to which they belong were sent to service elsewhere? It would be the separation of privates from the company to which they belong; the separation of companies from the regiments to which they belong. He must see that it would be impracticable in the administration of the Army. If there was a proposition to add an integral part to the Army, as by the proposition recommended by the President and Secretary of War, and the commanding General of the Army, to increase the force by five regiments, those five regiments might be sent to Utah, and disbanded at the end of the troubles in Utah; but the Senator must see that it is impossible that his proposition can be executed as the bill stands. I hope therefore that he will either modify his proposition so as to suit the character of the bill, or abandon it altogether. I am sure no one more readily than himself will see the justice of the objection which I present.

I listened with attention to the remarks of the Senator from Maine, and I must say they were characterized by more ingenuity than fairness. His ingenuity was displayed in the first instance by denying the right to use the troops in the Territory, and yet his pride of opinion as a lawyer required him to say that it might be drawn by implication. But, sir, it is in the terms of the law specifically granted. It was the act to which I referred as being that in which Congress, relaxing somewhat from the jealousy with which they viewed the standing Army and Navy, agreed that they might be used, as it had been previously provided the militia of the country might be employed

by the President of the United States. The act approved March 3, 1801, is:

"That in all cases of insurrection, or obstruction to the laws, either of the United States, or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect."

Mr. FESSENDEN. Will the Senator allow me to make a suggestion to him, as he is arguing that question?

Mr. DAVIS. Certainly.

Mr. FESSENDEN. As I understand that statute, it simply changes the instrumentality. All the effect of the statute is this: where the President had power by law before to use the militia, by that law he is authorized to use the Army. I think it goes no further.

Mr. DAVIS. I saw the ingenious construction which the Senator put upon the law, and it is, of course, with great hesitation that I differ with him in its construction; but the language does not sustain him. It provides for the use of the Army "in all cases of insurrection, or obstruction to the laws, either of the United States, or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia."

It is giving him additional means. He previously had the power to use the militia. The statute refers specifically to the laws of a Territory; and surely that reference to the laws of a Territory makes it more than an implication that the powers granted to maintain the peace within the States are extended also to the Territories of the United States.

Mr. FESSENDEN. If the Senator will excuse me, I will state, in a very few sentences, precisely the view which I take. I do not say that the authority ought not to exist in certain cases; but, in my judgment, it is an omission in the law. The previous statute, to which the act of 1807 refers, gives power to the President to use the militia, in certain cases, in the States. It does not go beyond the States; it says nothing whatever of the Territories. This statute says that where, by any previous law, the President has power to use the militia in the States, or

in the Territories, he may use the Army; but there is no authority, by the previous law, to use the Army in the Territories.

Mr. DAVIS. I do not think the Senator's argument will hold. He refers to a date when the power over the Territories was unquestioned. The first statute was enacted at a time when the laws from the States were adopted in the Territories; and the second comes down to a period when there were laws enacted by the Legislatures of the Territories; and hence the difference in language. Upon this the Senator, perverting the language of President Pierce, hangs another argument: that President Pierce did not consider that authority existed to use the troops to preserve peace in the Territory of Kansas. President Pierce considered, and it was a part of his strict construction of all laws, fundamental or statute, that the provisions of the law must be fulfilled; that the troops must be used as a *posse comitatus;* that they must be called upon by the civil authority; and that, if insurrection existed, he must first issue his proclamation to the rioters to disperse; and he did issue a proclamation. Then, again, it is within the knowledge of the Senator, certainly, that the troops were employed during the administration of President Pierce; and his insinuation as to any change of circumstances in that Territory was the more unworthy, because it is also within his knowledge that these troops were used to prevent men from shedding blood, when his own political friends alone would have been involved in the hazard.

Mr. FESSENDEN. My statement was, that the troops were not used by President Pierce; and he denied the power to use them for the purpose of protecting the polls in the Territory.

Mr. DAVIS. The troops were not used for any other purpose than that provided by the law. The troops were used to put down insurrection—to suppress rebellion. They were used to check armed bodies of men who were in a state of insurrection—rioters, who were about to disturb the peace; but he did not—and I am proud to remember that he did not—station the troops in places to take care of the private interests of people within the Territory. He was blamed by the political friends of the gentleman himself for that sort of intervention which he always refused to make. He stood by the Constitution and laws passed under it, and used the means put in his hands to execute them according to the terms of those laws. Under the present Administration, I do not understand that a different policy has been pursued; but I am not so familiar, of course, with the acts of the present Administration. Far be it from me to follow the gentleman's example, and pretend to judge of their motives. I

arraign the motives of no man. I ascribe to no man purposes unlike those which he avows, unless I am ready first to arraign him as destitute of all honor and truth. I take it for granted that the Administration has pursued the policy which is in exact accordance with the statements made in the official papers which have been laid on the desks of Senators, and there it appears that in every step the troops have been used under the application of the civil authorities, and used as a *posse comitatus.*

Will the Senator deny the power of the President to send troops to any point where it may be necessary, in order that they shall be within call of the Governor of a Territory, he having reported that those troops are absolutely necessary to preserve the peace? If so, he must deny to the President the powers conferred on him as Commander-in-Chief of the Army and Navy; he must assume that this body is to sit directory of the President as to where the troops are to be stationed; that he is to be stripped of his constitutional prerogative. The Executive may be held responsible, *in foro conscientiæ,* for stationing troops where the public necessities do not require them. He is open to that fair criticism, when any Senator or other citizen of the United States may think proper to make it.

I did hope, sir, to escape from this constant and, as it seems, interminable reference to Kansas. I did not suppose that Kansas was to be the subject of discussion on a proposition to answer an application on the part of the Executive, favorable or unfavorable, as the Senate please, for an increase of the standing Army, the military establishment of the United States. But since it is otherwise, and since the fate of the bill seems to hang upon that, the argument must be made. I shall be brief, for I have no taste for the discussion; I do not see its application to the question in hand; but that it may be understood why troops have been kept in Kansas under this Administration, (and if it were necessary, the same reasons belonged to the one which preceded it,) if it is required that the arguments shall be shown to justify the Administration in not sending all its disposable forces to the frontier, so as to preserve quiet among the Indian tribes, I refer to the message of the President, communicating the correspondence of the late Governor of Kansas in relation to affairs in that Territory, and the course which he pursued. Governor Walker in a letter to Mr. Cass, dated July 15, 1857, after referring to difficulties which had occurred, and the necessary use he had made of the troops to prevent an outbreak in the execution of civil process, and the troubles then hanging over him, and the doubts he had of the future, says:

"During this period a telegraphic dispatch was received from General Scott, indicating that General Harney was to proceed with the troops to Utah. Subsequently, General Harney received from the same source what appeared to be an official order on this subject, indicating, if carried into execution, that Kansas would be left, not only by General Harney, but by all the troops, except a single company of infantry, which would be divided between Fort Riley and Fort Leavenworth.

"In view of my official letter of the 2d of June, 1857, and of the conditions upon which I agreed, with great reluctance, to accept the position of Governor of this Territory, namely, that General Harney, in whom I had great confidence, and who was well known to the people of Kansas, and greatly respected by them, should be ordered from Florida, put in special command in Kansas with a large body of troops, and especially of dragoons and a battery, and retained there, subject to my directions, for military operations, if necessary, in Kansas, until the danger was over, and in the absence of which I never would have accepted this office, I could not but conclude that some mistake must have been made by General Scott, and that such a course could never have met the approval of the President and his Cabinet, or of the Secretary of War, by whom this matter was so well understood."

He goes on:

"I received, on Monday morning last, a printed handbill, which I now inclose you, showing certain most alarming proceedings in the town of Lawrence. This was accompanied by information that the people of that town were proceeding that day to elect a mayor, aldermen, and other officers, and would immediately pass and enforce ordinances, in defiance of the laws of the Territory. At the same time, the fact was communicated to me that handbills were circulated from Lawrence throughout the Territory, urging all the disaffected localities, whether towns, cities, or counties, to pursue a similar course of organization; thus overturning the territorial government in detail, and necessarily producing collision with its authority, and, as a consequence, a renewal of civil war. Although still suffering from debility, as the result of my illness, I considered the crisis so alarming as to require my immediate presence at Lawrence, where I proceeded in company with Mr. Secretary Stanton, and after spending several hours there, ascertained to my entire satisfaction that all the facts communicated to me were true, and that this movement at Lawrence was the beginning of a plan, originating in that city, to organize insurrection throughout the Territory. Lawrence is the hot-bed of all the abolition movements in this Territory. It is the town established by the abolition societies of the East, and whilst there are respectable people

there, it is filled by a considerable number of mercenaries, who are paid by abolition societies to perpetuate and diffuse agitation throughout Kansas, and prevent a peaceful settlement of this question. Having failed in inducing their own so-called Topeka State Legislature to organize this insurrection, Lawrence has commenced it herself, and, if not arrested, the rebellion will extend throughout the Territory."

Governor Walker, on the 14th of July, 1857, writes to General Harney:

LEAVENWORTH, *July* 14, 1857.

SIR: I have received authentic intelligence that a dangerous rebellion has occurred in the city of Lawrence, in this Territory, involving an open defiance of the laws, and the establishment of an insurgent government in that city.

This movement, if not speedily arrested, I am also assured, will be extended throughout the Territory, and must result in a renewal of civil war.

It becomes, then, my painful duty, under my instructions from the President of the United States, to request you to furnish a regiment of dragoons, to proceed at once to the immediate vicinage of Lawrence, to act as a *posse comitatus* in aid of the civil authorities in the due execution of the laws, and for the preservation of the public peace. The service of the troops for this purpose will be discontinued so soon as the public exigency will permit.

Respectfully yours, R. J. WALKER,
Governor of Kansas Territory.

Brevet Brigadier General W. S. HARNEY, *Commanding troops in Kansas, &c., &c.*

Going on with the evidence of the necessities which the Governor of the Territory of Kansas found for retaining the troops within the limits of Kansas, and the purpose for which they were retained, I read from his proclamation of July 15th, 1857, to the people of Lawrence:

"It will be perceived that the authority of the territorial government is here distinctly denied, and whilst that of the so-called State government is acknowledged, it is conceded that no charter has been granted by them; indeed, it is a fact that, although this so-called State government has in itself no legal existence or authority, yet you asked and failed to receive a charter from them."

Further in this proclamation he says, speaking to the same people:

"Your evident purpose is thus to involve the whole Territory in insurrection, and to renew the scenes of bloodshed and civil war. Upon you, then, must rest all the guilt and responsibility of this contemplated revolution. You will be justly chargeable in law and in conscience with all the blood that may be shed in this contest, and upon you must fall the punishment. You have elected your officers under this charter, and instructed them to enter upon the immediate discharge of their duties, including the adoption of ordinances and the execution thereof, under an authority having in itself no legal existence, and established in direct defiance of the Government of the United States."

Further he says to them:

"Your purpose, if carried into effect in the mode designated by you, by putting your laws forcibly into execution, would involve you in the guilt and crime of treason."

And again:

"If your proceedings are not arrested, you will necessarily destroy the peace of this Territory, and involve it in all the horrors of civil war."

Again:

"As all arguments heretofore so often addressed by me to you have failed as yet to produce any effect upon you, I have deemed it necessary for our own safety, and that of the Territory, and to save you from the perilous consequence of your own acts, under the authority vested in me by the President of the United States, to order an adequate force of the troops of the United States into your immediate vicinage, to performing the painful duty of arresting your revolutionary proceedings."

Further he says:

"I will accompany the troops to Lawrence with a view to prevent, if possible, any conflict, and in the sincere hope that the revolutionary movement contemplated by you, and now so nearly accomplished, will, ere it is too late, be abandoned by you.

"If you can be influenced by no other motives, the evident fact that the power of the Government is adequate to prevent the accomplishment of your purpose should induce you to desist from these proceedings."

On the 25th of July, Governor Walker sent to Mr. Cass a confidential telegraphic despatch, written from Camp Cooke, near Lawrence:

"Copies of military orders one and two, by General Lane, acting under direction of the Topeka convention, to organize the whole so-called free-State party into volunteers, and to take the names of all who refuse enrollment, have just reached me. The professed object is to protect the polls, at the election in August, of the new insurgent Topeka State Legislature.

"The object of taking the names of all who refuse enrollment, is to terrify the free-State conservatives into submission. This is proved by recent atrocities committed on such men by the Topekaites. The speedy location of large bodies of regular troops here, with two batteries, is necessary. The Lawrence insurgents await the development of this new revolutionary military organization. Whenever the judicial authority orders arrests the troops will be required as a *posse comitatus.*"

I shall not read any further. I have read enough to show that the executive officer of the Territory appealed, in the various stages of the troubles existing in Kansas, to the President of the United States, through the Secretary of State, for the use of the troops, that he objected to the removal of any portion of the troops, and he presented the conclusive argument that the removal of those troops would result in civil war. No Senator can be more reluctant than myself to maintain troops within the limit of any Territory or State to enforce laws against the will of the people thereof. It is a melancholy evidence of the decadence of the political morals of our times that it has been necessary to employ the troops of the United States to secure the execution of the laws. It gives melancholy forebodings as to the capacity of our people for self-government; but yet the fact is not to be denied.

In the Territory of Kansas was presented an anomalous case. If the President had there relied on the militia, and had called the militia from the Territory, he must have mustered either one side or the other of the then existing contestants. If he had called the militia of any neighboring State into the service of the United States, to execute the laws within that Territory, he would have been but swelling the number of combatants who would have been mustered on that field, for the people were divided throughout the country on the question there pending. The collision in Kansas was but a miniature of the division of opinion throughout the United States. If he had mustered in regiments from the different States, he might have increased the Army to the whole capacity of the Government to maintain them, and it would have been merely bringing more troops to meet each other face to face in blood. It was an exceptional

case, and fortunate for the President was it that he was able to use the Army of the United States, as was shown by the result; for not one drop of blood was shed by the army of the United States, thus maintaining the peace in that Territory. Wherever they came, belligerents on the very instant of conflict paused. They respected the persons of the troops of the United States, and they brought peace wherever they went. They arrested men coming fraudulently under the guise of emigration into the Territory, upon the borders of the Territory, announcing that their wagons were filled with agricultural implements. Those wagons were inspected, and instead of plows, hoes, and grain, they were found sabers, muskets, shot, shell, and all the appurtenances that belong to a military campaign. These men were stopped before they entered the Territory, by a small number of troops, and with no other coercion than when they refused to be released, sending them down to a place where they would answer for their attendance.

Whatever might have been the opinion of Senators before the fact, it seems to me that after the army in that Territory has prevented civil war, after it has stopped belligerents in the moment of conflict, and preserved order at every place where it was present, they should now abandon any censure which they might have passed on the proposition as a general one before the facts were developed. When connected with the Department to which reference has been made, but one act was performed by the troops in Kansas which I found it necessary to disapprove, though many received my highest official commendation. That one act was the dispersion of the so-called Topeka Legislature. I looked upon them as men assembled without authority, men who could pass no law which should ever be put in execution, that the crime would be attempting to put the law in execution; and, in the mean time, it might be considered as a mere town-meeting. I was compelled to disapprove the dispersion of that Legislature by the army; and, as my memory serves me, I met criticism on the other side of the Chamber, for that act.

But the Senator from Maine, in his remarks, says, that no argument has been produced to show the necessity of this increase. That is the want of ability. I cannot hope to convince the Senator. He has an opinion which I take it for granted he does not intend to surrender. He says, however, that he cannot adopt the mere opinions of the Secretary of War, or of the chairman of the Committee on Military Affairs. Surely I did not expect that of him. I did not expect any one to adopt an opinion because it was announced by myself, though I think

some respect is due to the Secretary of War, because he is charged with the administration of military affairs. When he announces that certain means are necessary to perform the duties with which he is charged, I think it is but fair that we should favorably consider his application, and that the inquiry should commence with the expectation that he had justifiable reasons for making the call; but, if that inquiry should lead us to the opposite conclusion, then of course we ought to reject his proposition. The Committee on Military Affairs entered on the investigation, and came to the conclusion that it was not necessary to add five regiments to the Army. They also come to the conclusion that the Secretary had justifiable cause for asking an increase of the Army.

The Senator from Maine, as I understood him—and I am sure I did not there misunderstand him—said that the opinion of the Secretary of War was the whole basis of our action; and he referred to there being no military recommendation to sustain him. If so, he must have overlooked the report of the Commanding General of the Army, who states, as his opinion, that five regiments are necessary—I quote from memory—without any reference whatever to the troubles in Utah. If the Senator overlooked that, I may offer that additional information. But then he asks, why should not the chairman of the committee state how and where the troops are to be used; at what stations, and for what purposes, against whom, &c. That is not the business of the chairman; it is not within the power of the Senate. The committee have no right to inquire and determine where troops shall be stationed; the Senate have no power to prescribe where troops shall be stationed. It is a total reversal of the whole theory of our Government to assume that power.

Mr. FESSENDEN. The Senator misunderstands me. I did not attempt to assert or to intimate that it was the business of the committee, or the business of the Senate, to prescribe where and how the Army should be used. What I desired was, that we should have some statement from some authority, from some persons acquainted with the subject, to let us know the particular points and purposes for which an increase was required.

Mr. DAVIS. The report of the Secretary does not go into minute details on that point. He refers generally to where they are to be used. Nor could he for six months tell himself where he would wish to use them. That will depend on a party with whom he has no binding contract. It must depend on the good peace of the Indians; it must depend on the conduct of the people of Utah, now known to be in a state of rebellion; it must

depend on those who are in a state of rebellion also in the Territory of Kansas; and if reports be true, there are difficulties in other Territories. It must depend upon how far interference with our settlers along the British boundary shall arise from the instigation of the half-breeds of that country, known to be one of the most formidable powers in proportion to their numbers on the continent, and who have long been instigated to hostility on our people in that region. The Secretary could not possibly tell for six months where he would use the troops and state the numbers and regiments that he would have at particular places. It must depend on contingencies. All he could state would be to give to us his plan of campaign for the spring, how many men he expected to send to different places, and with what organization he expected to send them; but I take it for granted the Secretary did not suppose the Senate wished him to do so.

Some other points have been urged against this bill, which I will notice with the hope of removing at least some of the objections. One which seems most frequently to have been presented, is the amount of expenditure; and the conclusion is drawn, as though it were a necessary sequence, that in proportion as you increase the Army you increase the expenditures of the Army. That is not so. If you use one man to perform the duties of five, you must then supply an amount of transportation which makes that man equal to five. If you move troops, as they have been moved, over remote points on the frontier, distances greater beyond the depot of supplies than any European army has ever made a movement, you must expect that it will cost money, and money in no small amount. If you move them to meet emergencies as they arise, unprovided with the means of transportation, other than the military transportation which is kept at the posts, then you must keep that military transportation up to a standard that involves very heavy expense; and hence it is that this year you have a very large deficiency on account of transportation. The pay of the Army is constant; most of the expenses are constant after you fix the point at which the disbursements are to be made, except the transportation. That is the great variable quantity, and in proportion as you move the men, so you must increase, and rapidly increase, the expenditures of each man who is so removed. I am not able, and have not attempted, to make the calculation; I have not the elements on which the calculation would depend; and I am not able, therefore, to state what increase would counteract this great expenditure for transportation; but it may be stated, as a

general proposition, that there is a certain increase in the number of men which would relieve us from those expenses of transportation, so that they would cost us less than the use of the same number of men at many points where the transportation is very expensive.

As to the reduction, I think that follows from the law; but if it does not, I have no objection to adopt any provision which in the minds of Senators may be necessary, as soon as the exigency of the public service will permit, (they may fix a day, or they may fix it by an event,) to reduce the number of men per company as low as I think any one here will say it should be reduced.

Mr. SEWARD. If the honorable Senator will allow me, I will suggest a modification of my amendment to remove one difficulty in the way, and make it read thus:

Such officers and men as shall be enlisted or raised under this act, shall remain in service only until order and tranquillity shall have been established in the Territory of Utah; and whenever that object shall have been established, in the judgment of the President of the United States, the said officers and men shall be disbanded.

That avoids the difficulty.

Mr. DAVIS. The proposition in the first section of the bill contemplates a change of organization. I cannot accept the amendment, because it does not contemplate a change of organization; but, so far as the amendment goes to a reduction, I have no objection, if the Senate think proper to adopt the reduction in that form. I think it will answer all the purposes of the public service. I shall not insist on the mere idea of organization, though I think the addition of two companies to each regiment will be a better organization.

The other argument which I wish to notice was, that troops stationed in the neighborhood of Indians caused war. Now, I would ask from what part of our history is that assertion drawn? One incident was only alluded to, and that was an incident in Oregon; and the Senator from New Hampshire did most recklessly bring forward that incident. I waive the—I shall not characterize it further than to say the familiarity with which he made a personal reference; but his case was one in which the outrage represented was committed by troops not authorized by the United States, but sent out under the territorial government. The officer who made that very report on which the Senator relied for his argument, was then contending against the em-

ployment of such irregular or volunteer forces, and insisting that regular troops alone could preserve the peace on the frontier; that if regular troops alone were brought in contiguity with the Indians peace could be preserved; and that peace was hazarded and utterly destroyed by the presence of the territorial militia. That was his argument, and from that argument the Senator draws a single statement—being his accusation of bad conduct against those volunteers—and relies on it to show that when troops come in contact with the Indians, war is the result! The mere statement defeats his whole object.

Then we were told to follow the example of Penn, and to make treaties, and we should have peace. Sir, the very troubles we now have in Oregon and Washington naturally result from the treaties which were made. It was part of the view which I took when I first addressed the Senate this morning, that these treaties extinguished the titles of the Indians to the land, drove them back from the country in which they had lived, where they had small fertile valleys, and lived in a segregated condition. Driven back from their old homes into a country not suited for agricultural purposes, they were thus brought into a concentration that rendered them effective, and the wars are the result of that very policy of making treaties. If there had been no treaties; if the Indians had continued to live where they were, and troops had been stationed near them, I have no idea that the wars would have occurred. So far from being the advocate of treaties with the Indians, I think it is an absurdity. They are pupils, wards in charge of the United States, and liberal and humane terms should be made with them; but they have no right to treat. They have neither the intelligence nor the capacity to understand or enforce a treaty. I think the whole policy of the Government from the beginning, in making treaties with Indians, has been entirely wrong. Ours is the only Government that has pursued it, and all other Governments have held more peaceful relations with the Indians than our own. We have been more liberal to them; we have paid them larger sums of money; and, therefore, the conflicts which have resulted between this Government and its Indian tribes must be attributed to this policy.

I shall not follow Senators who have undertaken to criticise the movement to Utah. I am not sufficiently informed of the facts in relation to it. Why the movement was made at so late a period as to arrest the march of that army in the mountains, why the army was not able to reach Salt Lake before the winter set in, depend on facts which must be minutely examined before

any man, I think, can hazard an opinion. The delay in starting is known, for some portion of it, to have been due to the constant demands of the executive of the Territory of Kansas that the troops should not be withdrawn from that Territory in the then rebellious condition of a portion of the inhabitants. What other causes existed, I do not know. They may be sufficient to explain the fact that the force now is locked up in the mountains, unable to complete the campaign, and exposed to all the horrors of a northern winter in that elevated region. I think, however, it is fair that Senators should at least wait until they are in possession of all the facts, before they proceed to criticise the movement and cast censure because the campaign is arrested in the mountains at this moment.

As to the economical consideration of the number of animals lost in the mountains, I could not see the application which was made of that branch of the argument to the remark he had previously made about the maintenance of a military force on the frontier as an economical mode of protecting our citizens settled upon it. These troops on their march to Utah, as is well known, were not engaged in the duty of protecting the frontier inhabitants; and whatever expense may attend the movement, whatever loss may result from any improper administration of the campaign, certainly does not at all apply to the argument I presented of the good economy of keeping a sufficient force on the frontier to protect our frontier inhabitants.

Several Senators alluded to the use of the troops on the frontier to maintain the laws in a Territory; and one at least spoke of it as absurd to require the troops to execute a law of the people themselves. Sir, I think that is answered by the few extracts which I have read from the correspondence of the Governor of the Territory of Kansas. He there found a party in open rebellion against the Government, a party openly defying the territorial government instituted by the organic act of Congress, and all laws passed under it. That troops should be necessary to execute laws on a people thus standing in open defiance to the Government of the United States, seems to me to be a proposition so plain that I am only surprised anybody should say force was not required to maintain or execute the laws under such circumstances. What the force should be is an open question; but we all are sufficiently familiar with the history of that Territory, whilst very little of it may be known accurately in its details, to understand that if the men of either side had been employed, if those who recognized the territorial government had been mustered into the service of the United

States Army, fed and paid to execute the laws on those who defied their authority, it would merely inflict a civil war, in which the United States would have been a party; and the only practicable mode in which those laws could be executed peacefully and without bloodshed, was to employ men not having the excitement which existed among the inhabitants of the Territory, to wit, the troops of the United States, who have, I believe, as leniently as possible, and with a forbearance which entitles them to high credit, maintained the peace of the Territory, and sustained the civil authorities in the execution of the laws of the land.

Mr. FESSENDEN. Mr. President, I wish to call the attention of the Senate to the clause in President Pierce's message to which I referred in order to sustain the position which I assumed in regard to the different policy assumed by the last and the present Administration. President Pierce's message to Congress of January 24th, 1856, contains this clause:

"But it is not the duty of the President of the United States to volunteer interposition by force to preserve the purity of elections, either in a State or Territory. To do so would be subversive of public freedom."

The occasion of that statement by President Pierce in that message, of which I read only a single sentence, was this: he was applied to on the part of the citizens of the Territory to defend the polls against invasions from Missouri. We all had heard, and we all knew, that whenever an election was held in that Territory it was interrupted and controlled by armed bands of men coming from the other side of the border, who took possession of the polls, appointed their own officers, and had their own election. In consequence of that, when the Government of President Pierce professed its willingness to do ample justice, and to see that peace and order were maintained in the Territory, an application was made to him by certain citizens, in writing, stating the facts—they have all been communicated to Congress—and requesting him to interpose, not only to preserve the peace of the Territory, but to guard the polls, in order that there might be a fair expression of public sentiment; and this is his answer. He denies that there is any power on the part of the United States by force to preserve the purity of election; that is to say, to protect the polls in order that the people of Kansas might have a fair opportunity to vote.

Mr. DAVIS. I deny that too.

Mr. FESSENDEN. Very well. That is what I stated was

the policy of President Pierce. I did not undertake to quarrel with it; I made no comment on it; but I said the present Administration had adopted a different course. I said so, because it is perfectly notorious that the present Administration has used the United States troops for the purpose of preserving the purity of elections, and has stationed them about the polls at recent elections held in the Territory of Kansas. All I did, and I think it was a perfectly just course for me to adopt, was to call attention to the fact that, at the period when the polls were constantly taken possession of by people outside of the Territory, the Government of the United States denied its power to interfere; but the moment things were changed, and the great majority of the people of that Territory became competent to preserve the polls themselves and take control of them, the United States troops were then used for the purpose of protecting the polls. It is a very singular fact to me, that the policy of the Government should have changed so totally and so suddenly as it did. The people of the country will draw their own inferences from the facts. Such were the facts, as I understand them, and as they are admitted.

Mr. DAVIS. I cannot see where the Senator derives that position of the present Administration; nor do I possibly admit the facts which he presents, in relation to armed bodies of men being allowed to conquer and overturn the elections. Those are statements which have been controverted; but I did not intend to interrupt the Senator further than, when he spoke of these matters as being admitted, to say to him that I do not admit the facts he states.

Mr. FESSENDEN. I do not suppose the honorable Senator admits the fact, and I did not call on him to admit the fact, but the fact is clear enough to the country. It is not denied there. It is not denied in the message. The late President simply denies the power to use the Army of the United States for any such purpose. That was his policy; but I say the policy of this Administration, in point of fact, is different, because it is notorious that the troops have been used for that purpose since Mr. Buchanan came into power. Mr. Walker used them. He had a large number of troops stationed at Kickapoo, and at Leavenworth, and they were stationed there, as was said in the public communications that were made, for the purpose of protecting the polls of that Territory. I do not say that there was any bad motive about it. I say the fact is singular, and presents itself to the country for the people of the country to notice and remark upon as they please. I say the whole course

of policy with regard to this particular point has been changed. Whether that change was owing to the different state of things in the Territory or not, it is not for me to say.

Now, sir, with regard to the statute of which I spoke, its provisions are very clear. The first statute on the subject, the act of 1795, reads in this wise:

"SEC. 1. *Be it enacted by the Senate and House of Representatives in Congress assembled.* That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation, or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action, as he may judge necessary to repel such invasion, and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper. And in case of an insurrection in any State against the government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the executive, when the Legislature cannot be convened, to call forth such number of the militia of any other State or States, as may be applied for, as he may judge sufficient to suppress such insurrection.

"SEC. 2. *And be it further enacted,* That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combination too powerful to be suppressed by the ordinary course of judicial proceedings or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed."

Upon these two sections connected with the law afterwards passed in 1807, the argument is founded that the President had a right to use the Army, in order to enforce the execution of the laws of a Territory. Clearly no such power is conferred on the President in this act in regard to the use of the militia. The word "Territory" is not in the act: it names no places where the militia is to be used, except the States. The President has a right to call forth the militia, for the purpose of suppressing insurrections, and he has a right to use it for the purpose of preventing obstructions to the laws of any State, or of the United States. That is the extent of his power, under the act which I have read. Then what is the second law? It is a very short one: "that in all cases of insurrection, or obstruction to

the laws either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia," &c., he may use the Army. Now, "where" is it lawful for the President of the United States to use the militia? Anywhere but in the States? There is no specific authority except as to the States. What I said was, that if he had that authority in the Territories, it was by implication, and not by any positive provision of law.

But the difficulty is beyond that. It is that the laws of a Territory are not the laws of the United States. The President assumes to use the Army under these provisions, for the purpose of doing what? For the purpose of enforcing the laws of the Territory of Kansas. I cannot find, in either of these statutes, any authority given to the President to use the militia for the purpose of preventing obstructions to the laws of a Territory. His authority to use the militia is confined to the case of obstructions to the laws of the United States; and I say that the law of a Territory, passed by a Territorial Legislature, and approved by the Governor, is not a law of the United States in any shape or form, that I am able to understand.

The point which I endeavored to make in reference to this matter was, in the first place, that there is no specific authority given to use the Army in a Territory at all; and, in the next place, that, if the President has any such power by implication, it is only a power to enforce the laws of the United States.

Mr. DAVIS. Will the Senator allow me to ask him whether he construes the word "where" to refer to the locality, or to the conditions, the circumstances, the *status*, under which the militia may be used?

Mr. FESSENDEN. I construe it to mean that, whenever he has authority to use the militia, in any place, for any purpose specified by the previous law, he may use the Army.

Mr. DAVIS. And the previous law recites under what circumstances he may use the militia.

Mr. FESSENDEN. Yes, sir.

Mr. DAVIS. But not at what place?

Mr. FESSENDEN. No, sir; but it speaks of the purpose. I will not undertake to say, that where there is an insurrection against the Government, the President may not use the Army; but I am speaking of the specific use, and I say he has no right to use the Army by these statutes for the purpose of enforcing the laws of a Territory, or preventing obstructions to the laws of a Territory.

Mr. DAVIS. I was very reluctant from the beginning to get

involved in this theory about the government of a Territory. My own opinion is, that the law of a Territory, in the early period of our history, was a law of the United States. My own opinion is, that not until you struck off the territorial bill the requirement that the laws should be submitted to Congress, and subjected to their revision, did they ever become independent laws of the Territory.

Mr. FESSENDEN. And there was no such provision in the act organizing the Territory of Kansas. Then that goes far enough for my purpose.

Mr. DAVIS. Then it became the law of the Territory, in the language of that statute.

Mr. FESSENDEN. But there is no such authority to enforce the law of the Territory. The authority is confined to preventing obstructions to the laws of the United States—not the laws of any particular State.

Mr. DAVIS. The Senator, I think, has certainly not looked at this subject lately, or he would find that provision is made upon the application of the Governor or Legislature of a State to the President, for him to call out the militia, and use the Army and Navy to maintain the laws of a State within its own limits.

Mr. FESSENDEN. Undoubtedly, under certain circumstances; but, as I say, that is not specifically given to the Governor of any Territory anywhere that I can find. I do not know that I shall convince the Senator, as his mind is made up; but I wish to explain what I have thought myself. I say that under these statutes there is no specific authority in regard to a Territory. If there is, it arises by implication from the word "Territory" being used. My own idea is, that it was an omission in the act. I do not know that I should quarrel about it, because I am willing to give all power that is necessary. I should take no exception, even under these acts, to a legitimate use of the Army for proper purposes, if the power could be derived by any implication, and its exercise was absolutely necessary. The point I make is, that I could never see that it was actually given by the terms of the statute to which gentlemen have referred, as conferring it. I believe the Attorney General, in arguing the matter, does not derive the whole power from the first section I have read, giving a general authority——

Mr. DAVIS. I think the Attorney General's opinion was that the militia could be employed within a Territory.

Mr. FESSENDEN. By virtue of the first section?

Mr. DAVIS. That by virtue of the first act he has referred

to, the militia could be employed in a Territory as a necessary consequence of the power of the Government over a Territory, and the grant within the limits of a State. In relation to the act of 1807, I do not think the opinion of the Attorney General was asked for, or that his opinion touches that question at all.

Mr. FESSENDEN. With regard to the act of 1807 my point is that it confers no new power and simply changes the instrumentality. The President had the power before to use the militia in certain cases and for certain purposes, and in those cases and for those purposes, conferred by previous laws, the President had by that latter act the power to use the Army. It goes no further. It makes no new cases and provides for no new purposes anywhere that I can conceive, although it might have been the intention of the act so to do.

I rose simply to state more specifically the points which I made before in reference to these matters, in order that they might be more definitely understood, as the Senator from Mississippi did not seem exactly to comprehend the ideas I intended to convey; but I wish to say one word before closing, in reply to what I understood to be the argument of my friend from New York. If I believed that this increase of the Army was absolutely necessary in order to bring about a proper state of things in the Territory of Utah, I should agree with him, and I would be willing to vote for any increase that was necessary to effect that purpose or any similar purpose; but the point I make, and the difficulty in my own mind, is, that there has been no attempt to demonstrate that anything of that kind is necessary in the Territory of Utah. The Senator from Mississippi expressly gives it up. He does not base the demand which is made for an increase of the Army upon existing difficulties in Utah at all, but upon another ground; and when my friend assumes that to be the fact as a basis for his proposed action, he assumes what is not asserted by the Administration, what is not asserted by the Secretary of War, and not contended for by the Committee on Military Affairs, who have reported this bill. It is something which he assumes for himself as the basis of his own action.

If there were any facts in the case to convince me that the proposed increase of six thousand or seven thousand men was necessary, in order to accomplish that purpose, to restore peace in that Territory, and to preserve the rights of our people who travel in that region, it might be another question; but the difficulty in my mind has been from the beginning—and I shall be convinced only when that difficulty is removed—that no facts

have been exhibited to show us that this increase is necessary for any of these purposes. It rests on assertions that have been used ever since I remember anything about public affairs to authorize an increase of the Army from time to time, until it has gone from eight thousand, where it was fixed in 1842, to eighteen thousand now, and is going on upon the same principle, without any facts, or any war, in time of peace, regularly, unless we check it in the beginning, from eighteen thousand to thirty thousand, and from thirty thousand up to fifty thousand, and God only knows where it will end, if we are to receive mere statements and demands of the Administration instead of facts to show that something of the kind is absolutely needed by the exigency of the country. We must stop somewhere; we must call for proofs somewhere; we must call for facts at some point, and not go blindly on merely to register the decrees of an Administration who say to us that more troops are wanted, without telling us why or wherefore, or giving us facts to establish their opinions, if they give us any opinions on the subject.

Mr. DAVIS. I shall detain the Senate but a very few minutes upon the point which is so often renewed of the connection of the campaign to Utah with the proposed increase of the Army. It is not presented in the report of the Secretary of War as his reason for the increase. The Commanding General of the Army states that the increase is necessary without reference to the troubles in Utah. Whilst I denied in the beginning that that was the reason for the request that the Army should be increased, it is nevertheless certainly clear that the withdrawal of the troops from other service to make a campaign to Utah creates a necessity for increasing the Army. So, if it be necessary to keep troops in Kansas, the withdrawal of those troops from their ordinary duties on the frontier creates a necessity for an increase.

The argument of the Senator from New York, based on the expectation of a campaign, such as may prove to be true, would require a large increase of the Army for that purpose, and if the Army were increased to the whole extent the bill proposes, and the campaign should realize the expectations of the Senator from New York, it would probably require all our troops to carry on the service at that point. In the mean time our forts along the sea-board are wholly abandoned; all our troops are thrown on the frontier. We have now only at one or two points any artillery force to hold possession of our fortifications. This is a condition of things which I hold to be objectionable, against which we should provide. If the campaign to Utah be made by

the Administration, as they have power to make it, and troops be withdrawn from other points, and it be necessary to increase the force and put troops at the other points, I do not think it is right for Congress to refuse that increase because they may not approve of the campaign to Utah. They have not the power to prevent it, and therefore they are bound to submit to it. At the same time it is possible for us to get along without any garrisons in the fortifications. I rose merely to say that the argument based on the theory of the campaign to Utah, sometimes taken on the one side and sometimes on the other, leads to a conclusion which I think is not true.

Further Remarks on the Army Increase Bill, Jan. 27, 1858.

Mr. DAVIS. Mr. President, I think the last speech that has been made must be very effective on the proposition before the Senate. I do not think the United States Senate can fail, under such an argument as has been offered by the gentleman who has just taken his seat, to see that the opposition springs from the purpose, in civil war, of shedding blood on the soil of the United States. I feel sorrow—sorrow too deep for anger, at speeches which invoke civil war among the people of the United States, and at such idle boasting as vaunts the triumph of one party by the immolation of the other, and recounts who would have been killed. I have no heart for such a controversy. I have no wish that any two of my fellow-citizens should be brought in collision as combatants in civil war; and I had supposed that I but uttered a sentiment which must be common to the Senate, when I spoke in terms of gratification, that the troops had been able to prevent that collision in Kansas. If the announcement of the opposition to this bill is that the increase of the Army will but increase the means of the Government to prevent the shedding of blood in civil war, who is there that hears me who is bold enough to look his countrymen in the face, and say he voted against a bill acknowledging such to be its effect?

I hope that we shall take a vote on this bill. If the sense of the Senate be against it, let us know it. I have no desire to prolong the discussion. I have no desire to enter into subjects which are to provoke crimination and recrimination. Points have been raised in the course of the debate which I think I could satisfactorily answer, and yet I trust it is unnecessary. Again and again it has been said that no reason was offered for this vast increase of the Army. It is no vast increase.

Again, it has been said that we cannot reduce the Army, if we once increase it. Why, sir, a campaign will reduce the Army. The law itself will cause all the reduction which is necessary. Those companies that may start on the campaign with ninety-six privates in the spring, will come back with some twenty-five or thirty, and when they return to garrison posts in the interior of the country, the President will be limited by the established organization of the Army, and cannot again by recruits fill them up to this number of ninety-six. If there be any objection to that, strike out the second section. And now, if Senators will give me their attention, I will endeavor to explain what I believe will be the effect of striking out the first section. Recruits will be sent in bodies, instead of being distributed among the companies, and when those bodies of recruits reach their destined posts they will find the companies so reduced that the recruits will only bring them up to seventy-four. I think this is a fair, open proposition; but if there be any objection to this authorized strength—if gentlemen start at the aggregate number you may authorize under it, strike out the second section. I do not know that it will diminish the force really, but you will change the form. Men will be recruited and distributed in bodies as recruits, but probably the number will be about the same. But the proposition pending is to strike out the first section. That I hope will not be done, for I believe it will materially impair the efficiency of the Army.

But, sir, as to this "vast increase" which it is said we are about to make—what is it? In 1819, Mr. Calhoun, then Secretary of War, speaking of our northwestern frontier, said, "it is on that frontier only that we have much to fear from Indian hostilities." The organized strength of the Army was then ten thousand; the extent of the northwestern frontier, reckoning from St. Louis up to the mouth of the St. Peters, thence across to Green Bay, thence to Mackinaw, and up to Sault Ste. Marie, and from Mackinaw down to the present site of Chicago, was about twelve hundred miles. This was the whole amount of our Indian frontier at that period. Now we have six thousand five hundred miles of Indian frontier. Moreover, under the old army, commonly known as the Adams's army, as far back as 1798, the strength was four thousand one hundred and fifty-nine, and in the region of country which was then garrisoned by that army of four thousand one hundred and fifty-nine, we have, by the present distribution of troops, only eight hundred and sixty-nine officers and men, all told. The increase of the Army has been the consequence of the steady increase of our territory, the

rapid increase of our frontier, and the rapid augmentation of the Indian tribes with whom we have been brought in contact. The garrisons which once furnished our fortifications along the sea-board have been ordered into the interior. Posts which were advantageously and economically held up to 1821, and from that time down to 1842, have been necessarily disbanded, and an increase of the Army is necessary, under any contingencies I can foresee, to give the same relative strength we had in 1798.

Nor is this all. The garrisoning of these posts, I consider essentially necessary for safety against any sudden incursions, if we are to apprehend difficulty in the future contingency of a foreign war. We require these garrisons to be in a state of instruction. You may acquire for your troops hardihood and fortitude, by sending them to wander over mountains and vast plains against the Indians; but what becomes of your artillery instruction? What becomes of your cavalry instruction? What becomes of that thorough training and preparation which enables a country to go to war effectively, when war is declared? All lost to the employment of your military forces to perform the police duties that belong to a state of peace. If that be the only purpose for which gentlemen are willing to maintain the Army, they may say "leave our forts ungarrisoned;" but if, following the wise counsel of our ancestors, they determine to keep up the military information of the country, to maintain the science of the United States in military affairs to the standard of the European countries, it is necessary that they should have their troops so stationed that they may be all the time undergoing instruction, and preparing themselves for the higher demands of war.

I wish in this connection to refer to the authority of one who was wisest among the statesmen I have known, and who in all his public action was influenced by a policy which knew no leaning to men or to section; who was a devotee of truth, whose steps were always directed toward that as the one great object for which he strove; who because of his devotion to truth was made the object of assault throughout the long period of his life, and died without attaining that elevation which his character, his genius, his services to the country justly entitled him —need I say that I refer to Calhoun! In a report which he made when Secretary of War to the House of Representatives, in 1820, on the subject of organization, he used the following language. I shall read only a single paragraph:

"To give such an organization (on the peace establishment) the leading principles in its formation ought to be, that at the

commencement of hostilities there should be nothing either to new model or to create. The only difference, consequently, between the peace and the war formation of the Army ought to be in the increased magnitude of the latter; and the only change in passing from the former to the latter, should consist in giving to it the augmentation which will then be necessary."

That is the opinion to which I alluded yesterday when speaking of the skeleton peace establishment. If I had been devising a bill to present my own individual opinion—and I shall be permitted to say so on account of the reference which has been made to my opinion—I should not have drawn exactly the bill which is before us; but I have concurred fully with the committee in the propriety of presenting the bill in this form, as that which would give efficiency to the public service, and as that which we might hope to obtain. If I had been preparing a bill merely to express my own views, I would have added three regiments to the permanent peace establishment of the Army, and would have given to each regiment, under present circumstances, twelve companies; and then have provided that when the exigencies of the service would permit, or at some particular day, if desired, each regiment should be reduced to eight companies; and this would have reduced the whole military strength to something less than it now is, but with a different organization, and, I believe, greater efficiency. Then I would have conferred on the President power, upon a declaration of war, which is the act of Congress, to add a third battalion to each regiment then in service, and thus have provided for an efficient Army in the commencement of hostilities, of from thirty-five to forty thousand men. As is argued in this report—I shall not detain the Senate by reading further from it—this would save us from the great loss, both of money and of honor, which is involved on the country by being precipitated into a war without a regularly disciplined and instructed army. Mr. Calhoun, fresh from the contemplation of all the consequences that belonged to our entering into the war of 1812 without preparation, made this report, and his mind shed such light upon it that no one since that, in attempting organization, has been able to depart from the great principles which he laid down without stultifying himself.

But, sir, it is argued that if we raise volunteers they can be got rid of. Yes, sir, and we can get rid of the Treasury of the United States in the same way: we can keep its organization, but empty its coffers. I have, since the debate of yesterday, on account of the manner in which this point was pressed, looked

into the expenditures within the last few years for the raising of volunteers. Here let me state that the employment of that species of force may be considered in many instances as equivalent to a proposition to exterminate the Indians, and that the employment of that species of force, coming as they must, with all their border animosities and excitement against the people of Utah or Kansas, would be but a means of shedding the largest amount of blood that could be drawn under the circumstances of the case.

In looking into these expenditures I find that in the last few years there have been large appropriations made by Congress. By the act of July 19, 1854, for what is known as the Rogue river war against the Indians in Oregon, an indefinite sum was appropriated, and under that act there has been expended $167,922.25. By the act of August 4, 1854, in reimbursement of the State of California, there was appropriated $924,259 65, of which there has been expended $864,008 37. The only reason why the whole of it was not expended was on account of the defective form of the certificates which they produced in some instances, and the failure to produce them in others. All of it, however, I have no doubt will go. Then the act of September 30, 1850, for the Texas volunteers, appropriated $72,000. For New Mexico, in 1851, you appropriated $135,530 20; for Texas in the same year, $236,934 34; for Florida in the same year, $75,000. In 1852 there was appropriated for Texas $80,714; for New Mexico in 1857, $223,090. Then for the pay department alone, in 1856 and 1857, the cost of paying the Florida volunteers was $279,746 85, and the estimates just prepared by the pay department for the payment of these Florida volunteers, supposing them now to be disbanded, are $385,000, and if they be again mustered into service there will be required $385,000 more. There have been expended in the Territories of Oregon and Washington, in the years 1855 and 1856 as adjudicated by the board of commissioners, $5,931,424 78. These items make a total of $8,836,397 79.

This is the expenditure which results from these men being brought irregularly into service. It is sound economy, and has been so demonstrated by reports which have been laid on the table of the Senate, to raise the regular force to whatever the exigencies of the country may demand, and I cannot admit that it is not in the power of Congress to reduce that force whenever that exigency has passed. We have too many instances in our military history to leave that question open. We have had reduction after reduction, some of them very unwisely made; as,

for instance, by the act of March 3, 1815, fixing the peace establishment, the strength of the Army was reduced to ten thousand, at which it remained down to the time of the further reduction in 1821—a period when it reached its lowest figure, and from which, soon afterwards, it slowly began to rise. There was a regiment added in 1823; another in 1836; another in 1838. It went up successively, from six thousand one hundred and eighty-three, its strength in 1822, to seven thousand four hundred and ninety-seven in 1837, and to twelve thousand five hundred and thirty-nine in 1839. At the close of the Seminole war, in 1842, it was again reduced to eight thousand six hundred and thirteen; but four years afterwards it was raised to twelve thousand two hundred and sixteen, by the addition of a regiment of mounted riflemen, and an increase of the number of privates. Then came the Mexican war; after which, it was increased by raising the strength of the companies, in 1850, to seventy-four, and then by the addition of four regiments in 1855.

Thus we see that every attempt at reduction has been followed by another increase; and that the reduction was unwise was manifested by the disasters which immediately followed. Whenever the Army is above the requirements of the country, then, I think, without looking merely to the expenditure, the Executive Department (for it is unfair to question its integrity) will at once report the excess over the requirements of the public service. If it does not, and Congress shall find the occasion when our country shall cease to continue to increase its territory, to increase its frontier, and thereby to increase its necessities for military force, then I trust there can be no difficulty in the mind of either House of Congress in such reduction.

I should have no difficulty in providing a bill which would make a prospective reduction, but the manner in which it is proposed here to make a prospective reduction at the end of this campaign against the Mormons, I must protest against, because it is not for that campaign that the troops are asked by the Executive Government. I could not yesterday, when it was proposed, accept that, for the Executive Department does not present it as the reason for which it desires this increase. It is not willing to accept it as temporary, and I think fairly so, because if the Mormons should terminate the difficulties in the most speedy and submissive manner which may be imaginable, it is known that all the Indian tribes which surround them have already been involved in hostilities, and it is known that across that trail our emigration is steadily increasing; that on that and every other route, if we permit the emigration to go on to our

Pacific possessions, we must give some adequate protection. Whether it be by annual campaigns, or the establishment of posts, the result is the same. If there be any one here who will say: "I wish to terminate the overland emigration to California, Oregon, and Washington," then with him it is sufficient to say, "I do not wish to protect these routes;" but if we desire the emigration to continue, I say we must continue the routes, and give security along them; and in proportion as that emigration increases, in proportion as it spreads over the various periods of the year, instead of being confined to one, so you will require an additional military force to protect it; and I am unwilling to incur the hazard of venturing an opinion that the time will come in my day when that force can be reduced. It may or it may not; I rather believe the time will not come. This interior country can never be so settled; settlements can never so extend from point to point as to assume that continuity which will give protection to the traveler across this wide space.

I am not willing to anticipate the extermination of these Indians. I look forward with hope to some partial civilization—partial it must be. Here I would say to the Senator from Georgia [Mr. Toombs] that I wish to call his attention to the difference between the Indians who inhabit this country and those of the old States of the Union, with whom our former difficulties arose. These are nomadic Indians. A settlement of our own people sufficient to reduce them, if you please, cannot pursue nomadic tribes without leaving their wives, their children, and their homes, to desolation. It is not as it was with those Indians who had a local habitation; who had fields and tenements; who could be reached by a steady campaign, and brought to subjection by bringing them to want, if they continued to insist on hostilities. These Indians, too, are driven to hostilities. Their whole pursuit is plunder. They cultivate no fields. They have no certain means of subsistence. Their subsistence, derived from the chase, is every year declining. The great hordes of buffalo that once covered the western plains have now passed into the mountains. They have been compelled to live on horses, mules, and half the forays, if not more than that proportion, committed on the settlers, are to obtain subsistence—plunder for a livelihood.

By feeding them, by locating them upon territory which they may cultivate, I trust we shall steadily progress towards their civilization, bringing them into something like a condition of peace. If that ever should occur—and occur at some remote period I hope it will—then we may dispense with the protection

of our emigrant route, we may dispense with keeping up these frontier posts, with keeping strong garrisons in them; but until then, I do not believe that the increase here proposed will be one man more than the wants of the service will demand. I say this with frankness, with a knowledge that it will not commend the measure. I state it on my knowledge of what the necessity of the country is. If others should differ from me, as to the necessity of giving the Government that aid which it asks, I hope their opinion will prove true, rather than mine.

Mr. TOOMBS. Having made this motion to strike out the first section of the bill, I deem it incumbent on me to state my reasons to the Senate, and more especially to answer the objections which have been made by the chairman of the Committee on Military Affairs.

Several SENATORS. Let us adjourn.

Mr. SIMMONS. It is four o'clock; and I hope the Senator will give way to a motion to adjourn. I wish to hear him.

Mr. TOOMBS. I shall detain the Senate but a few minutes.

Mr. SIMMONS. It is too late to go on now, and I move an adjournment.

Mr. DAVIS. I desire, before we adjourn, to ask the Senate to agree upon some time when the vote shall be taken, merely informally of course, as I learn from the Senator from Georgia that he does not intend to speak at length, and is willing to let the vote be taken at an early period. I ask the Senate if they will be willing to have the vote taken at two o'clock to-morrow.

Mr. FOOT. I wish to remind the honorable Senator from Mississippi, and the Senate, that another special order is assigned for to-morrow at one o'clock, on which the honorable Senator from Maryland [Mr. PEARCE] has the floor. I have thought it proper to suggest it in his absence.

Mr. DAVIS. I did not wish to interfere with the Senator from Maryland, and I thought probably that to fix two o'clock for taking the vote would not interfere with him; but say one o'clock; I am willing to agree to that.

Mr. KING. That, I think, is too early an hour to agree upon taking the vote.

Mr. SEWARD. I do not think we can come to a resolution when to take the question. I think we never do.

Mr. DAVIS. I do not want a resolution, but an understanding.

Mr. SEWARD. We can come to an understanding; but with reference to that, I wish to say that when the vote will be taken it will depend somewhat on who will occupy the floor,

and how long it may be occupied. Before taking the vote, I have a word or two to say; but I shall speak very briefly, as I trust I always do.

Mr. TOOMBS. I understand the Senator from Texas wants to be heard.

Mr. SEWARD. I shall endeavor to hasten the taking of the vote to-morrow.

Mr. HOUSTON. I presume it is not necessary at present to assign any particular time for taking the vote. I want to say something on the bill myself. I feel interested. Several allusions have been made to Texas in the course of the debate, and after I know the number and extent of them, I shall have something to say in relation to the bill.

Mr. STUART. I renew the motion to adjourn.

The motion was agreed to; and the Senate adjourned.

Remarks of Jefferson Davis in reference to the Kansas Message, Feb. 8, 1858.

Mr. DAVIS. I wish to express my concurrence not only with the message of the President, but my hearty approbation of the high motive which actuated him when he wrote it. In that paper breathes the sentiment of a patriot, and it stands out in bold contrast with the miserable slang by which he was pursued this morning. It may serve the purposes of a man who little regards the Union to perpetrate a joke on the hazard of its dissolution. It may serve the purpose of a man who never looks to his own heart to find there any impulses of honor, to arraign everybody, the President and the Supreme Court, and to have them impeached and vilified on his mere suspicion. It ill becomes such a man to point to southern institutions as to him a moral leprosy, which he is to pursue to the end of extermination, and perverting everything, ancient and modern, to bring it tributary to his own malignant purposes. Not even could that clause of the Constitution which refers to the importation or migration of persons, be held up to public consideration by the Senator in a studied argument save as a permission for the slave trade. Then everything that is most prominent in relation to the protection of property in that instrument he holds to have been swept away by a statute which prohibited the further importation of Africans. The language of that clause of the Constitution is far broader than the importation of Africans. It is not confined or limited at all to that subject. It says:

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

That was a power given to Congress far broader than the slave trade; and yet the Senator gravely argues that when that prohibition against the further importation of Africans took place by act of Congress, thenceforward the constitutional shield which had been thrown over slave property fell. Sir, it is the only private property in the United States which is specifically recognized in the Constitution and protected by it.

There was a time when there was a higher and holier sentiment among the men who represented the people of this country. As far back as the time of the Confederacy, when no narrow, miserable prejudice between the northern and southern men governed those who ruled the States, a committee of three, two of whom were northern men, reporting upon what they considered the bad faith of Spain in Florida, in relation to fugitive slaves, proposed that negotiations should be instituted to require Spain to surrender, as the States did then surrender, all fugitives escaped into their limits. Hamilton and Sedgwick from the North, and Madison from the South, made that report—men, the loftiness of whose purpose and genius might put to shame the puny efforts now made to disturb that which lies at the very foundation of the Government under which we live.

A man not knowing into what presence he was introduced, coming into this chamber, might for a large part of this session have supposed that here stood the representatives of belligerent States, and that instead of men assembled here to confer together for the common welfare, for the general good, he saw here ministers from States preparing to make war upon each other, and then he would have felt that vain indeed was the vaunting of the prowess of the one to destroy another. Or if, sir, he had known more, if he had recognized the representatives of the States of the Union, still he would have traced through this same eternal, petty agitation about sectional success, that limit which cannot fail, however the Senator from New York may regret it, to bring about a result which every man should, from his own sense of honor, feel when he takes his seat in this Chamber, that he is morally bound to avoid as long as he retains possession of his seat. To express myself more distinctly, I hold that a Senator, while he sits here as the representative of a State in the

Federal Government, is in the relation of a minister to a friendly court, and that the moment he sees this Government in hostility to his own, the day he resolves to make war on this Government, his honor and the honor of this State compel him to vacate the seat he holds.

It is a poor evasion for any man to say, "I make war on the rights of one whole section; I make war on the principles of the Constitution; and yet I uphold the Union, and I desire to see it perpetuated." Undermine the foundation, and still pretend that he desires the fabric to stand! Common sense rejects it. No one will believe the man who makes the assertion, unless he believes him under the charitable supposition that he knows not what he is doing.

Sir, we are arraigned day after day as the aggressive power. What southern Senator, during this whole session, has attacked any portion, or any interest, of the North? In what have we now, or ever, back to the earliest period of our history, sought to deprive the North of any advantage it possessed? The whole charge is, and has been, that we seek to extend our own institutions into the common territory of the United States. Well and wisely has the President of the United States pointed to that common territory as the joint possession of the country. Jointly we hold it, jointly we enjoyed it, in the earlier period of our country; but when, in the progress of years, it became apparent that it could not longer be enjoyed in peace, the men of that day took upon themselves, wisely or unwisely, a power which the Constitution did not confer; and, by a geographical line, determined to divide the Territories, so that the common field, which brothers could not cultivate in peace, should be held severally for the benefit of each. Wisely or unwisely, that law was denied extension to the Pacific ocean. I was struck, in the course of these debates, to which I have not been in the habit of replying, to hear the Senator from New Hampshire, [Mr. HALE] who so very ardently opposed the extension of that line to the Pacific ocean, who held it to be a political stain upon the history of our country, and who would not even allow the southern boundary of Utah to be the parallel of 36° 30′, because of the political implication which was contained in it, the historical character of the line, plead as he did, a few days ago, for the constitutionality and legality, and for the sacred character, of that so-called Missouri compromise.

I, for one, never believed Congress had the power to pass that law; yet, as one who was willing to lay down much then, as I am now, to the peace, the harmony, and the welfare of our com-

mon country, I desired to see that line extended to the Pacific ocean, and that strife which now agitates the country never renewed; but with a distinct declaration, "go ye to the right, and we will go to the left; and we go in peace and good will towards each other." Those who refused then to allow the extension of that line, those who declared then that it was a violation of principle, and insisted on what they termed non-intervention, must have stood with very poor grace in the same Chamber when, at a subsequent period, the Senator from Illinois, bound by his honor on account of his previous course, moved the repeal of that line to throw open Kansas; they must have stood with very bad grace in this presence, to argue that that line was now sacred, and must be kept forever.

The Senator from Illinois stood foremost as one who was willing, at an early period, to sacrifice his own prejudices and his own interests, if, indeed, his interests be girt and bounded by the limits of a State, by proposing to extend that line of pacification to the Pacific ocean; and failing in that, then became foremost in the advocacy of the doctrine of non-intervention; and upon that I say he was in honor bound to wipe out that line and throw Kansas open, like any other Territory. But, sir, was it then understood by the Senator from Illinois, or anybody else, that throwing open the Territory of Kansas to free emigration was to be the signal for the marching of cohorts from one section or another to fight on that battle-field for mastery? Or did he not rather think that emigration was to be allowed to take its course, and soil and climate be permitted to decide the great question? We were willing to abide by it. We were willing to leave natural causes to decide the question. Though I differed from the Senator from New York, though I did not believe that natural causes, if permitted to flow in their own channel, would have produced any other result than the introduction of slave property into the Territory of Kansas, I am free to admit that I have not yet reached the conclusion that that property would have permanently remained there. That is a question which interest decides. Vermont would not keep African slaves because they were not valuable to her; neither will any population whose density is so great as to trade rapidly on the supply of bread, be willing to keep and maintain an improvident population, to feed them in infancy, to care for them in sickness, to protect them in age; and thus it will be found in the history of nations, that whenever population has reached that density in the temperate zones, selfdom, villenage, or slavery, whatever it has been called, has disappeared. Ours

presents a new problem, one not stated by those who wrote on it in the earlier period of our history. It is the problem of a semi-tropical climate, the problem of malarial districts, of staple products. This produces a result different from that which would be found in the farming districts and cooler climates. A race suited to our labor exists there. Why should we care whether they go into other Territories or not? Simply because of the war that is made against our institutions; simply because of the want of security which results from the action of our opponents in the northern States. Had you made no political war upon us, had you observed the principles of our Confederacy as States, that the people of each State were to take care of their domestic affairs, or, in the language of the Kansas bill, to be left perfectly free to form and regulate their institutions in their own way, then, I say, within the limits of each State the population there would have gone on to attend to their own affairs, and have had little regard to whether this species of property or any other was held in any other portion of the Union. You have made it a political war. We are on the defensive. How far are you to push us?

The Senator from Alabama has been compelled to notice the resolutions of his State; nor does that State stand alone. To what issue are you now pressing us? To the conclusion that because within the limits of a Territory slaves are held as property, a state is to be excluded from the Union. I am not in the habit of paying lip-service to the Union. The Union is strong enough to confer favors; it is strong enough to command service. Under these circumstances, the man deserves but little credit who sings pæans to its glory. If through a life, now not a short one, a large portion of which has been spent in the public service, I have given no better proof of my affection for this Union than my declarations, I have lived to little purpose, indeed. I think I have given evidence in every form in which patriotism is ever subjected to a test, and I trust whatever evil may be in store for us by those who wage war on the Constitution and our rights under it, that I shall be able to turn at least to the past and say, "up to that period when I was declining into the grave, I served a Government I loved, and served it with my whole heart." Nor will I stop to compare services with those gentlemen who have fair phrases, whilst they undermine the very foundation of the temple our fathers built. If, however, there be here those who do really love the Union and the Constitution, which is the life-blood of the Union, the time has

come when we should look calmly, though steadily, the danger which besets us, in the face.

Violent speeches denunciatory of people in any particular section of the Union; the arraignment of institutions which they inherited and intend to transmit, as leprous spots on the body politic, are not the means by which fraternity is to be preserved, or this Union rendered perpetual. These were not the arguments which our fathers made when, through the struggles of the revolutionary war, they laid the foundation of the Union. These are not the principles on which our Constitution, a bundle of compromises, was made. Then the navigating and the agricultural States did not war to see which could most injure the other; but each conceded something from that which it believed to be its own interest, to promote the welfare of the other. Those debates, whilst they brought up all that struggle which belong to opposite interests and opposite localities, show none of that bitterness which so unfortunately characterizes every debate in which this body is involved.

The meanest thing—I do not mean otherwise than the smallest thing—which can arise among us, incidentally, runs into this sectional agitation as though it were an epidemic, and gave its type to every disease. Not even could the committees of this body, when we first assembled, before any one had the excuse of excitement to plead, be organized without sectional agitation springing up. Forcibly, I suppose gravely and sincerely, it was contended here that a great wrong was done because New York, the great commercial State, and the emporium of commerce within her limits, was not represented upon the Committee of Commerce. This will go forth to remote corners, and descend, perhaps, to after times as an instance in which the Democratic party of the Senate behaved with unfairness towards its opponents; for with it will not descend the fact that the Democratic party arranged for itself its portion of the committees, taking the control of them, and left blanks on the committees to be filled by the Opposition; that the Opposition did fill the blanks; that the Opposition had both the Senators from New York; but did not choose to put either of them on that committee, though it afterwards formed the basis and staple of their complaint.

Mr. President, I concur with my friend from Virginia, and when I rose I did not intend to consume anything like so much time as I have occupied. I think there are points which have been sprung upon the Senate to-day and heretofore, which require to be answered and to be met. Like my friend from Vir-

ginia, I shall feel that it devolves on me, as a representative in part of that constituency which is peculiarly assailed, on another occasion, to meet, and, if I am able, to answer the allegations and accusations which have been heaped, as well on the section in which I live, as upon every man who has performed his duty by extending over them the protection for which our Constitution and Government were formed.

Speech of Jefferson Davis on the Increase of the Army, Feb. 10, 1858.

The Senate having under consideration the bill to increase the military establishment of the United States, and the pending question being on the motion of Mr. Toombs to strike out the first section, in the following words:

"That there shall be added to each of the regiments of dragoons, cavalry, infantry, and of mounted riflemen, two companies, to be organized in the same manner as the companies now composing these arms respectively, and to receive the same pay and allowances, and to be entitled to the same provisions and benefits in every respect, as are authorized by the existing laws; they shall be subject to the rules and articles of war, and the enlisted men are to be recruited in the same manner as other troops, with the same conditions and limitations"—

Mr. DAVIS said:

Mr. President: The proposition before the Senate is to strike out that section of the bill which provides for adding two companies to certain regiments of the Army, being those regiments which now have but ten companies. I hope the Senate will decide to retain that section, for reasons which I will offer at this time.

I think the organization, as I stated on a former occasion, will be more complete, because it will give regiments divisible into three battalions of four companies each. It will give the power to divide regiments without dividing battalions so as to garrison three posts by each regiment, or, if you please, six posts, without reducing any post to a single company. I will here say to Senators as a military question, that it is a very great disadvantage to troops to separate them into garrisons consisting of a single company, and that that disadvantage is not to be overcome by multiplying the rank and file. You must have the number of officers to perform the duties that devolve on commissioned offi-

cers, and cannot advantageously be intrusted to anybody else. To maintain discipline and to perform the duty in a responsible manner, you require at least the number of officers that will be afforded by two companies. You cannot, therefore, without injury to the public service, rely on one company to constitute a garrison instead of two, though the rank and file may have been doubled.

That is one reason. Another is, that by increasing the number of companies, you give that advantage which the Senator from Texas [Mr. HOUSTON] has illustrated in stating his opinion of the present defect in the Army—the want of an opportunity of promotion and inducement to the rank and file. These additional companies not only increase the number of non-commissioned, but also the number of commissioned officers. They give an increased opportunity to worthy men, who enter the ranks of the Army by enlistment, to rise to the grade of commissioned officers. They give additional nucleus on which, in time of war, you can aggregate the raw material of recruits, and increase the power of the standing Army of the United States.

Here I would say to the Senator from Texas, that he was egregiously mistaken in his argument that a law had grown up by usage, which, for the benefit of the graduates of the Military Academy, now excludes the rank and file from promotion in the Army. He said it is not as it was in the war of 1812. I wish to correct that error; for, in the wisdom of Congress upon the recommendation of the last Administration, the two Houses of the last Congress, adopted a provision, for the first time in this Government, which made it quite easy for the Executive to provide for the certain promotion of a non-commissioned officer who proved himself worthy. For the first time, I say, since the organization of our Army, the last Congress did provide for conferring brevets on non-commissioned officers, and thus made them certain of promotion, though the graduates of the Military Academy should be equal to all the vacancies which should occur within the ensuing year. The Senator, therefore, was mistaken in assuming that the door to promotion had been closed against the rank and file of the Army.

Another Senator (the Senator from Georgia [Mr. TOOMBS] I think it was) asserted that, for a great number of years, no such promotions had occurred. There the mistake was equally great; such promotions have been made from time to time.

Mr. TOOMBS. The Senator is mistaken; I expressed no opinion on that point.

Mr. DAVIS. It was not, then, the Senator from Georgia,

but somebody else; but as I am making points, not on individuals, but on the merits of the question, it makes no difference who it was. Whoever it was, it is erroneous. Promotions of that kind have been made by nominations to the Senate, and confirmations by the Senate. Those who had been sergeants were also appointed to the grade of commissioned officers in the new regiments that were provided for three years ago; where no vacancies exist for an appointment, the recent law authorizes promotion by brevet; and never before, in the history of the Army, has the rank and file had so wide and open a door, during peace, to enter into the grade of commissioned officers as now. Nor is this opportunity for promotion rendered illusory and impracticable of attainment for the want of that high degree of education which the standard of West Point requires of its graduates. A military examination is required, and is necessary to prevent the attainment of such promotion by favoritism only; but that examination requires only the elements of a common school education; no more than is necessary for the proper discharge of a subaltern's duties. This proposition to increase the number of companies is but widening that door which admits the rank and file to rise to the grade of commissioned officers. It increases the number of commissioned officers who will serve in detached posts, thus relieving them from the danger and the toil of a responsibility which they cannot properly meet if reduced to the small number of two or three, to perform, not only their regular duties, but all the staff duties of a garrison.

I hope, therefore, that the Senate, if they think that the addition of the thirty companies and the increase of the maximum of the strength of each company to ninety-six will give more troops than are required, will prefer rather to keep down the maximum, as it is now, to seventy-four, and give the additional companies. I believe it will create a more effective force than is to be obtained by increasing the maximum of the rank and file of the Army—a measure which will have really but little effect, on account of the power of the War Department to send out unattached recruits, and thus bring them to the distant posts at a time when the company has been wasted below the maximum of seventy-four.

If, then, the purpose of the Senate be to limit the size of the Army to any certain standard, it is suggested to them that they shall, in consideration of the great interest which is involved, strike from the bill the second section, taking the numerical strength away which that would confer, and leave the first section, which perfects our system and enables us to occupy the

great number of posts we now have with our small Army, without reducing the number of commissioned officers at each post below that which will enable them efficiently to perform every duty.

On account of the statements which have been made in relation to the strength of the Army, so greatly exaggerated beyond the reality, I have thought it necessary to make an exact statement of what the Army is. It is now composed, including all arms of the service which go into the field, (not including engineer soldiers or ordnance soldiers,) of one hundred and ninety-eight companies, which, according to the fixed establishment of the Army, to be found in a table in the Army Register of this year, at page 41, gives a number of privates equal to nine thousand and sixty-six, supposing every company to be full up to the organization of the peace establishment; adding non-commissioned officers and musicians, you get the total of enlisted men eleven thousand eight hundred and thirty-eight. In 1850, on account of the necessity of troops on the frontier, Congress provided that at distant stations, and on the emigrant routes, the President should have authority to increase the privates in any company so employed to seventy-four; and this is the number which is taken from the Secretary of War's report. It is not the peace establishment; it is not the fixed establishment of the Army; but it is the increase authorized by Congress to be made in certain contingencies. The Army being now stationed almost entirely on the frontier, an authorized and actual strength is casually obtained as set forth in the report of the Secretary of War. If every company in the Army was on frontier duty, or in campaign, there would be a still higher possible number. It might in that contingency go up to about nineteen thousand.

Mr. IVERSON. The Senator will allow me to interrupt him. I have an authentic statement from the Adjutant General's office, showing the present numerical distribution of the Army by military departments. The department of the east, including forts and fortresses, has eight hundred and sixty-nine men; the department of Florida, three hundred and thirty-seven; Kansas, Nebraska, Minnesota, and Arkansas, three thousand six hundred and seventy-six; the department of Texas, two thousand and forty-nine; New Mexico, two thousand two hundred and forty; the department of the Pacific, two thousand five hundred and seventeen; the army of Utah, one thousand eight hundred and eighty-seven; making the total of the Army of the United States at present only thirteen thousand five hundred and seventy-five. That is the whole Army at present.

Mr. DAVIS. That is in consequence of the wasting which occurred after the month of June, when the actual force was stated in the report of the Secretary of War, which has been so often read to the Senate. The actual number is a fluctuating number; and the only thing upon which any calculation can be made in relation to the broader question of the policy of the Government, is the fixed or legal establishment—not how many men may happen to be in the service to-day, or may be to-morrow, fluctuating under the sliding scale established by the act of 1850, but what it is proper to have for a permanent peace establishment. That should be determined by principles of statesmanship much broader than the mere question of how many men are necessary to chase down some Indian tribe. The policy of our military establishment was framed by men who stood upon a higher pedestal, and looked over a wider sphere. It was to carry out the policy proclaimed by Washington, "in peace prepare for war." It was enabling our Government to move step by step, and keep easy progress in military science with foreign nations with whom we might be involved in war.

A certain portion of the Army was from the beginning employed in the defense of our frontier settlements, then an easy task. As that task increased in difficulty, the Army was increased, and past attempts at reduction have proved unfortunate. It has been very well established that the war with the Sacs and Foxes, commonly known as the Black Hawk war, which extended over two campaigns, resulted from the fact that we had not a sufficient number of troops in a position to prevent the first acts of aggression. It has equally well been established in regard to that long and vastly expensive war in Florida, where, *per capita*, more money has been disbursed than one would deem it possible could have been fairly expended on a worthless Indian tribe; that if one, or at most two regiments had been in position when the first movement commenced, those expensive wars of 1838 and 1842 might have been avoided.

But, as already stated, our predecessors had a broader policy than merely protecting the frontier settlers. They had the policy of keeping our Army instructed in all that belongs to civilized war; training artillery, and other arms of service in that science of war which is not to be learned merely by campaign duty.

The necessities for frontier service, outstripping the augmentations of the Army which have been made, have caused its whole disposable force to be thrown to the interior of our territory, and scarcely any are left to hold the great fortifications

along the sea-board, and there to learn those lessons in artillery practice that would be so essential to us in war. We have no dragoons or cavalry in schools of instruction or practice. They are kept constantly on the frontier; and only so much as may be learned in winter cantonments, in long marches, and after hot pursuits of Indians in occasional encampments with jaded horses, can be taught the cavalry arm of the United States. It is not the increase of the Army, but the refusal to keep up those garrisons where military instruction may be perfected, which is the great departure from the policy of our fathers.

According to the report of the Secretary of War, we now have one hundred and thirty-eight posts. According, also, to his report, we have an exterior boundary of eleven thousand miles; and of emigrant routes requiring military supervision by the military force, we have six thousand seven hundred miles; giving a total of seventeen thousand seven hundred miles. From this aggregate is excluded the whole amount of our Indian frontier, being two lines, extending from our northern to our southern boundary, and the whole amount of the reservations where, by the reports of the Secretary of the Interior, from his agents in different parts of the country, it is made apparent that the fulfillment of our obligations to the Indian tribes require the establishment of new posts. This may be taken as quite equal to the amount stated in the report of the Secretary of War; and then we have seventeen thousand seven hundred miles stated, which may be considered as about half the demand; and for which we may possibly have, by posting them as stated, an army of seventeen thousand five hundred men, or less than one man to the mile; or if you include the Indian frontier and the Indian reservations, less than one man to two miles. That is the Army the augmentation of which is considered so great as to become dangerous to the peace and liberty of the country! Taking the posts at merely the number we now have, one hundred and thirty-eight, the companies of the Army being one hundred and ninety-eight, it follows that you have not companies enough in the Army to establish two companies at each post; and less than two never should be the garrison of any post. It destroys discipline; it impairs responsibility; it greatly depreciates the efficiency, and I might say respectability, of the troops, to segregate them into such small detachments, and leave them, like mere policemen, to a round of fatigue duties which wear out all military ardor.

The main argument in opposition to an increase of the Army, as I understand it, has been that there has been no showing of

the necessity. I have, therefore, referred to what is to be drawn from the report of the Secretary of War, and the report of the Secretary of the Interior; and without wearying the Senate to read from it extensively, will merely refer to a single passage at page 62 of the report of the Secretary of the Interior, where he reports the number of Indians three hundred and twenty-five thousand, of whom three fourths belong to the hostile and roving bands. Two hundred and forty-three thousand five hundred of our Indians belong to bands of that roving and hostile character which requires the interposition of military supervision. Where Indians of friendly temper have been drawn into reservations, I have, in looking hastily through this volume, found, in a great majority of cases, that the report of the sub-agent superintending the reservation says there is a necessity for the establishment of a military post to perfect the plan of the Government for bringing these Indians to an agricultural condition, and to give them that protection which is essential for their future progress. This is all in addition to what is contained in the report of the Secretary of War. These reports, too, are further sustained by the report of the Commanding General and of the Adjutant General, and in each of them it is shown, as I think, very conclusively, that the necessity exists for a force greater than we now have, and that economy is best to be promoted by increasing the regular army of the United States.

Thus it is that in urging this measure I do not make it rest on the necessities of the expedition against Utah, nor the necessity of keeping troops in Kansas. I did not say, as sometimes represented, that no troops were necessary for Utah, or for Kansas. I assumed no such position, nor proposed an increase of troops for that purpose; because I believe if those difficulties were ended to-day the troops would be necessary; and that now they can be used in one or both of these places, only by withdrawing them from other purposes for which troops are required. I have not said that there is no necessity for the use of troops in either of those Territories, and decline now to enter into the question as to whether the campaign should have been commenced against the Mormons or not.

I hope the anticipations of the President, that in a contingency which he expects soon to occur, troops will no longer be required in Kansas, may be realized; but, at the same time, it is due to candor to say that I do not entertain the hopes which the President expresses, having yet seen no evidence that the reign of terror in Kansas is to terminate in any contingency now foreseen. It seems more probable that the lawless are to con-

tinue their aggressions; that men are to be intimidated for political ends, their houses to be burned, and assassinations to occur all over the Territory, the moment the strong arm of the Federal Government is taken away. I cannot go to the extent of the Senator from Georgia, and refuse to give a man to preserve peace. I cannot go to the extent which would declare that I prefer that civil war should rage in the land, rather than to increase the Army and maintain order by the presence of troops in the Territories of the United States. In the first place, I should be willing to use troops anywhere to put down civil war and insurrection within the United States, when a contingency, such as is contemplated by the law, arises.

In the next place, I do not hold that the Territories occupy the same position as States. I do not admit, as I have never subscribed to the doctrine of squatter sovereignty, that the Government of the United States has no more power in a Territory than in a State. I hold that the Territories are dependencies of the Federal Union; they are in a condition of pupilage, to be governed by the States; the property of the States; and that if men, either foreign or native, should aggregate themselves upon a Territory of the United States, and raise the standard of rebellion against the Government, and in defiance of its laws, it is not only within the power, but it is the plain, palpable duty of the Government to put down such an insurrection, and to compel obedience.

I am at a loss to understand how any one entertaining the doctrine that this Government has power to acquire territory, can at the same time deny that it has power to control it. If we may acquire a Territory with a population not comprehending our institutions, having no attachment to them, can we admit at the same time that we have no more right to use coercive measures within the limits of that Territory than in one of the equal States of the Union? It would be the Dead Sea fruit ashes on the lips of those who gathered it. The population might at once erect a government anti-republican, destructive of all the great principles that lie at the foundation of our Constitution. If we may acquire an island, or a Territory, or a subjugated State, the whole population of which were in a State of barbarism, or from education attached to monarchical government, will it be contended, after we had expended thousands of lives and millions of treasure, that the population should be allowed to do what they please within their own limits, and the Government that has acquired the Territory by conquest or by

purchase have no authority to exercise control, and preserve civil order among them?

The use of troops in a Territory of the United States does not stand in the same relation to constitutional questions as the use of troops in a State of the Union. I deny, as emphatically as any one, the power of this Government to coerce a State. That is a question which was discussed in the convention that formed the Constitution, and which was so powerfully stated by Mr. Hamilton to be a proposition, not to form a Union and preserve the States, but to provide the means for the destruction of the States. A State may, through its Legislature or its Governor, invoke the aid of the Federal Government, and of the other States; but the Federal Government has no power to invade the limits of a State, there to attempt the coercion of its people.

With this broad distinction I think the whole argument falls, except in the minds of those who still insist that the inhabitants of a Territory have all the political rights of the people of a State. I belong not to that school.

As a natural consequence of denying the right to use the troops as heretofore, it is said that in a period of profound peace, and of financial embarrassment, the startling proposition is made to increase the military establishment of the United States! Peace, it is true, exists between our country and all foreign countries, and I hope long may continue; but, in the mean time, we are engaged in frequent hostilities with Indian tribes. All around that vast territory which lies between the Pacific settlements and those of the Mississippi valley, is a constant succession of conflicts with roving bands. If this is our condition in profound peace, when but eight hundred and sixty-nine men, officers and enlisted soldiers, can be left to garrison all the great fortifications on our sea-board, what, I pray, would it be in war? That proportion was left during the war with Mexico; and is altogether inadequate for the purposes for which those fortifications were built. It is not a state of peace so far as the Army is concerned.

The financial embarrassments of the country, the diminution of revenue because of a failure of the usual supply from duties on imports, constitutes no sufficient reason for not discharging any of the duties that belong to this Government. I wish your great army of retainers and your numerous palaces for customs purposes were all disbanded, all evacuated, and that we would go back to that simple process of collecting money from the people themselves. Then would the people look to the mode in which it was expended.

Proceeding to answer the objections in their order, the next was, that the Indians, by removal to the west of the Mississippi, had had their strength broken; that they had no power to resist us: and the next, in connection with it, was, that by the improvement of communication twenty-five thousand men had been made equal to what one hundred thousand were twenty-five years ago. Is it true that the concentration of the Indians on the west side of the Mississippi has diminished their strength? Is not the reverse true? When they were separate tribes, living surrounded by an active, intelligent population, driven themselves, by the small amount of territory they inhabited, to agricultural pursuits, when they lived in towns and villages where they could always be found, when they were dependent on their crops, the destruction of which must always bring them immediately to submission, it was an easy matter to control them, compared with the condition in which they now exist. On a wide extent of territory, brought into contiguity with each other, no longer surrounded by white population, driven to the chase for subsistence, returning every year more and more to their roving and original habits, these people have not only been made stronger, but they have been made more disposed to hostility than they were in their former position.

Again, by the acquisition of territory, and the extension of our settlements into territory long since acquired, we have been brought into contact with those tribes which, heretofore unacquainted with the white men, must go through the same process which had rendered the eastern Indians, before their removal, harmless in their contiguity to the whites. Not only this, but our population has poured over the mountains, and commenced extending from the Pacific as a front; our people have pressed the Indians back from the fertile valleys they inhabited, and from the soft climate where they were reared in proximity to the coast, and have driven them into the mountains—into a country so arid that a large portion of it can only be cultivated by irrigation. They have thus again reduced them to the chase for subsistence, and those Indians may well look on the valleys, and, like the Gaels in the Highlands, claim the right to redeem from the plain and the valley the means of subsistence as long as one sheaf of grain shall stand, or herd shall stray along the heritage from which they have been driven. These forays have been and are to be perpetrated, until a new state of things shall be brought into existence. During that period of transition, when the Indians may be gathered from these vast hunting grounds on reservations which they will and can cultivate, it

will be necessary to preserve a military force sufficiently large to rule them by coercion; and this is the opinion of every intelligent sub-agent whose opinions I find recorded in the volume which contains the report of the Secretary of the Interior.

These are facts on which the Senate might reach the conclusion that the recommendations of the President and the Secretary of War have not been made without some due consideration. These volumes have been but recently printed, and laid on the tables of Senators. I trusted that as they progressed in the examination of them, many of those objections and doubts which were expressed two or three days ago would vanish. I believe the increase which is proposed by the committee to be the least which the present exigencies of the country will permit. If the Senate had indicated a purpose to adopt the recommendation of the Secretary of War, the committee were ready at any time to withdraw their bill and allow the Senate to pass the other; but on the vote it was made apparent that that was impossible; it was not within the view of the Senate, getting but eight votes, and some of them hostile to any increase of the military force, and therefore given for parliamentary advantage.

I know that the Senator from Texas, [Mr. HOUSTON,] whose familiarity with Indian character I do not doubt, has proposed to us a remedy which every man's heart would respond to as much more desirable, if it were attainable. He proposes an Indian policy which is to substitute kindness, justice, and generosity; from which one might suppose that the Government had pursued a different policy; but his remarks put it out of the question that he meant the Government had pursued any other policy than this, except through the regular Army. Now, sir, I believe that the argument of the Senator from Texas is somewhat answered by the argument of the Senator from Georgia, [Mr. TOOMBS.] The Senator from Georgia says that the regular Army is entirely harmless as against Indians; so that if the Senator from Texas thinks they are dangerous, I must refer him to his friend from Georgia, who assures him that the Army is quite harmless in relation to the Indians.

He proposes to appeal to the high motives and the generous character of the Indians to remove the necessity for any military force. The efficacy of the theory is answered by those who speak from observation. In the first place, Indian agents do not seem to entertain that idea. In the next place, the officers of the Army, who are the frontier men, and know more of the Indians than anybody else, dissent; and much as the Senator himself has seen of Indian tribes, I should say he had not seen

as many weeks of Indian service as every field officer of the frontier regiments of the Army has seen years. I do not think, therefore, his opinion is to outweigh, when put in opposition to that of the sub-agents of Indian affairs, and that of military officers who have served on the Indian frontier the greater part of their lives.

I have no confidence in the high principles that are ascribed to the Indians. They have a certain sort of morality—a certain sort of religion, if you may so call it; they are in some things good. Take them as a mass, they are as deceptive, as blood-thirsty, as treacherous, as cowardly a race of men as are to be found on the globe. If our frontier inhabitants have sometimes committed aggressions on them, where is the frontier settlement that does not record the most cold-blooded and cowardly murders of women and children? Where is the frontier settlement that does not bring with its traditions, tales of torture at the stake of prisoners when powerless in the hands of a hostile savage band? Are these the high principles to which the Senator appeals? Are these the noble qualities that are to make the Indian an exception, and lift him at once out of barbarism to shine as an example of those qualities which man is to possess when the millennium shall come? In the mean time I rely, as everybody connected with the Indians, as every frontier inhabitant whose wife and children are exposed to be tomahawked by these Indians, relies, on force of some kind as the only means for giving that protection which the Government owes to its people.

Thus we proceed to inquire what the character of the force should be; and, in this connection, the regular troops of the Army have been pronounced as ineffective. It is said they do not kill the Indians; but that the volunteers become excited, and do kill them. The Senator from Texas says, that if regular troops ever did pursue the Indians, they might become excited and possibly do the same thing. I am not to be put in the attitude of depreciating the volunteer force of the country; nor shall I engage in recrimination against the volunteers. My relation to the volunteers and the regular troops is the same. At one time or other, in the course of my life, they have both been my companions. My remembrance of both brings to mind many associations, the dearest of my life. I have seen all that adorns the American soldier in the ranks of both regulars and volunteers. Why should this unfriendly comparison be made between these forces? Shoulder to shoulder they stand upon the battle-field; together they bleed, even exchanging men from

one kind of force to the other, when it is necessary. There, when the flag of their country required them to do their utmost in the presence of a hostile foe, these jealousies and depreciations of one by the other did not arise. They were left for the debate in the Senate, and for a time of piping peace, and for places remote from the battle-field where they fought for a common cause, inspired by common sacrifices, for a common country.

But the Senator from Texas says, surely with entire sincerity, that he has not heard of any pursuit of Indians by regular troops; that all that has been done, has been by volunteers. Well, sir, in the volume which has been laid upon his desk, the report of the Secretary of War, he will find some cases cited—not all, but some which have been cited because of their prominence. They have been cited to show that the Army as it now exists is not on a peace establishment; to show the constant active service on which it is engaged. Not only is it to be found in this volume, but it has been circulated over the country in general orders from the head-quarters of the Army as long ago as November 13th last. Not only that, but some of the brilliant acts of service, therein recited, occurred within the limits of the Senator's own State. Let me read some of these instances from the general order to which I have referred:

"1. On the 17th of February, 1856, Captain James Oakes, with a part of his company C, second cavalry, from Fort Mason, Texas, after a pursuit of six days, and on the ninth day from his post, overtook a party of seven or more Indians, killed one and wounded several others; capturing all their animals and other property; sergeant Reis and private Kuhn, severely wounded. The troops were exposed to very cold and wet weather, and for more than seven days subsisted on two days' allowance of bread and coffee, such game as they could kill, and the flesh of horses they were obliged to abandon."

That sounds to me something like pursuit; and it was a pursuit of a party that invaded the Senator's own State. Again, the seventh case recited in this order is:

"VII. On the 13th of April, 1856, a party of fifty-five Indians were overtaken on the head waters of the Nueces, by detachments from companies B and D, mounted riflemen, and F, first artillery, from forts McIntosh and Duncan, Texas, under the command, respectively, of Captain Thomas Claiborne, junior, and Brevet-Captain George Granger, mounted riflemen, and Second Lieutenant George H. Elliot, first artillery. One Indian

killed and four made prisoners, their camp and all their animals captured.

"The vigilance of the Indians, and the character of the country, which enabled them to discover pursuit at a great distance, prevented a more complete success. In this case, from the time of leaving their posts until the termination of the pursuit, the troops marched three hundred and fifty miles in eight days. They suffered from want of water; and for four days, two in the pursuit and two after its termination, had no provisions but a small allowance of rice and coffee, accidentally obtained in crossing the El Paso road.

"The mayor of Laredo, Señor Don Santos Benevidas, Mr. Edward Jordan, and some twenty-five other citizens of that place, participated in this pursuit, and are represented as having rendered valuable service."

Again:

"XII. September, 1856. A detachment of troops from Fort Clark, Texas, commanded by Captain James Oakes, second cavalry, and composed of Captain Charles C. Gilbert and eighteen men of company B, first infantry; Second Lieutenant Henry W. Closson and twelve men of company I, first artillery; and Second Lieutenant James B. Wetherill and thirty men of company C, second cavalry, penetrated the country between Fort Clark and the mouth of the Pecos, western Texas, hitherto not visited by troops, and considered very difficult of access. The expedition was conducted with so much judgment and energy that, in the operations of a day, three parties of Indians were surprised between the Rio Grande and Pecos, near their junction. Four of the Indians killed and four wounded. Their animals and other property taken or destroyed."

The Senator from Texas knows Indians well enough to know the difficulty of surprising an Indian camp. He understands that men, ignorant of the frontier and its service, as he described the Army to be, would never surprise an Indian camp, and yet here is a gallant soldier who three times surprised Indians in one day. Then again:

"XIV. November 30th, 1856. A detachment composed of men of company G, first dragoons, and company C, mounted riflemen, in all twenty, commanded by Second Lieutenant Horace Randal, first dragoons, followed a party of fifty warriors of the Gila Apaches, and after a chase of three hundred, and, in one day, of eighty, miles—going over mountains and plains of snow, the trail frequently obliterated, without water for three days and nights—overtook the enemy and attacked and drove

them from the position of their own selection, recovering all the captured animals."

That sounds something like pursuit—a pursuit in which fortitude, skill, and all the knowledge that could enter into such service, were exemplified in the highest degree, and that too by one of those very young men against whom so many of the Senator's remarks this morning were directed. Again:

"XIX. April 4th, 1857. First Lieutenant Walter H. Jenifer, second cavalry, with thirteen men of Company B, of that regiment, after a search of thirteen days, and a march of nearly three hundred miles, came upon a fresh trail of Indians, near the head of the north fork of the Nueces river, Texas; and, as the trail led into a rocky country, almost impracticable for cavalry, he dismounted, left his horses with a guard, and continued the pursuit with only seven men. After a tedious march of four miles, he suddenly came upon a camp, occupied by from eighty to one hundred Indians. Approaching it, under cover, to within two hundred and fifty yards, and he and his little party being discovered, they were attacked by all the warriors in the camp, and threatened at the same time, by a party returning to it with horses. He repulsed the Indians, with a loss to them of two killed and one wounded. It being then night, he withdrew his men, rejoined his horses, and returned to the attack the next day; but, in the mean while, the Indians dispersed. For the last three days this detachment had no rations, having been out seventeen days."

I could go on with these instances. I have other cases marked which I might cite. There are twenty-five recited in this single order—one of them a case where the Indians were drawn up in position, and waited to receive an attack of cavalry, when they were gallantly attacked by Sumner, leading his men and charging in the same manner in which he charged the Mexican forces at Molino del Rey. He drove them from the field, and their safety arose simply from their ability, with their light horses, to cross a stream, the bed of which was composed of sand.

The Senator, then, has done injustice; and if he will take this order, I will give it to him, that he may see how great is the injustice he has done to the Army in thus proclaiming to the country that they have rendered no part of that duty which devolves upon them for the protection of the frontier. If he will read the report of the Secretary of War, he will find that this is but one of the two orders that recite such deeds, illustrating the services which have been rendered by our gallant

little band on the frontier, and answering the reflection which the Senator has, I am sure unconsciously, cast on those who are, mean time, encountering service more severe than it has often fallen to the lot of troops to bear.

Then the Senator, in the course of his remarks, (for I find that, as my opponents are pressed to a change, I must change also,) took the ground that, on one occasion, the Army had been effective; for, said he, they had killed one hundred and thirty women and children; and the Senator from Maine [Mr. HAMLIN] said dragoons had been raised, under the pretext of defending the frontier against the Indians, and all he heard of their doings was their having killed some squaws and children. I do not know what number he meant, whether the same one hundred and thirty or not; but he explained that he meant the same place. The report of General Harney, in reference to the action referred to, is to be found in the second volume of the President's message and accompanying documents for last year, at page 49. He sets forth the whole case; and, according to his report, and the accompanying reports of the officers who were serving under him, the number of killed was eighty-six, and wounded, five—not one hundred and thirty women and children, but eighty-six Indians were killed, and five wounded; about seventy women and children captured, and fifty mules and ponies taken, besides an indefinite number killed and disabled. In a report made by Colonel Cooke, which I shall not weary the Senate by reading, he explains that the women dressed and armed so much like the men, as sometimes to be almost undistinguishable from them. They fired upon his men; and, in one instance, wounded a sergeant who had passed a woman because he perceived she was one.

Then, again, the report of Lieutenant Warren, who was the topographical engineer accompanying the expedition, gives distinctly the whole circumstances and topography of the ground which caused the killing of, I think, seven women and three children. After the first attack, on the Blue Water, a part of the Indians escaped across the plains, and were pursued by the mounted troops. A part of them, being on a hill, had fled into a sort of a cave, where the rock hung down near to the ground, and furnished a loop-hole through which they fired upon the troops as they approached. This fire was returned by the troops. A cry was heard from the interior of this cave, and one of the interpreters said there were women in it, and the officer who commanded them (and who, by the way, the Senator from Maine would have found, if he had inquired, was a worthy

representative of his own State) immediately halted, told the interpreter to advance, and called on the women to come out. They did come out, surrendered, and were not hurt; and all who were killed were those who had been shot in the cave, where they could not be seen, and only then after the troops had been fired at from the cave. That, according to the history of the case, is the foundation of this charge of killing one hundred and thirty women and children.

The commander of that expedition, General Harney, might compare his knowledge of Indians and of Indian character favorably with the Senator from Texas, or anybody else. That stroke, which he gave the Indians on the Blue Water, was the most successful blow that was ever struck on that frontier for the preservation of its future peace: and if peace shall be enjoyed by the people of Nebraska, it will be attributable more to that one great movement of Harney's than to anything else which has ever happened there. Then, moving on, with that knowledge of Indian character, and that intrepidity and devotion to his duty which characterize the man, he went forward, disregarding all difficulties, until he reached the Missouri river, and there held a council with the Indians, and formed with them an agreement, which stands as in my judgment as a model for all treaties with Indian tribes. He there established among them an organization, which, if anything could be effective to preserve these restless people in order, would conduce to that result. It has had the good effect, so far as I can learn, thus far to keep the Indians who have hitherto been hostile, in a state of peace, and approximating to that end of which the Senator speaks.

But, sir, in answer to some remarks which have been made by myself and others, replies have been offered, which would indicate that there had been an intention to signify that volunteers were wantonly cruel. I have no disposition to shrink from the responsibility of what I said; or if I did not say it, what I thought. I thought, and I now say, that if you bring men out with border animosities, men who have had past injuries, who come with grievances to redress, they will exceed the limits of justice; they will exceed the limits of humanity and forbearance; they will kill without justifiable cause. I have no disposition to cite cases, though it would be easy for me to do so. Volunteers —the word is used because others use it; militia is the strict term—the militia are the people of the United States, and so are the soldiers of the regular Army. They are all volunteers. Thank fortune we live under a Government where all, who enter the military service, do it voluntarily. Militia may be coerced

by draft; the regular soldier is always a volunteer; his is always a voluntary enlistment; he is emphatically, under all circumstances, the volunteer. But using the term in the sense in which it has been used, militia, if drawn from a distance, would be exactly like those enlisted in the regular service; the whole difference being the degree of discipline, and that disparity constantly vanishing in the progress of a long campaign, bringing them at last to precisely the same standard; being the same material at the start, and reaching the same result if they are carried through the same process.

The whole of the cases which were referred to, and which have been somewhat warped in the argument, were those which resulted from border animosity and from partisan feeling. I think I said—and if I did not, I intended to say—that if the militia of California were called out against the Mormons, coming there with the hostility resulting from their contact with them, justifiable, if you please, but coming with that preconceived hostility, they would exercise a severity in their treatment of them which would not belong to men brought from a distance. That is my opinion. It is very likely, that if the appeal was made to the men themselves, they would say: "Yes, that is true, we do feel it; and we are likely to exercise it." I am sure I have never seen a body of militia in the field, called from the neighborhood of a settlement on which Indian depredations had been committed, which did not come with the spirit of extermination, and justify themselves by arguments drawn from what they had suffered.

We have also had the argument presented to us, that the militia will always respond to the call of the country; that they always have been the effective force which has fought the battles of the country; and that they are the reliable strength of the country. Grant it. Who denies it? The militia have responded, and they always will respond, when there is occasion; but the militia never have been called out to hold frontier posts; and they will be found to be very restless troops if they should ever thus be employed. It would be at a great sacrifice to the other interests of the country, if the militia were so called out. Men useful in the ordinary avocations of life, detached from them and from their families, to perform the duty of private sentinels at a frontier post, would be such a waste of valuable material, that it would deserve to be called anything else than economy, even if it did not cost a dollar.

But, sir, as to the relative efficiency of the two species of troops, I have some brief points to which I will refer; and the

first is the "Vital Statistics" of Dr. Coolidge, a review of which work will be found in the American Journal of Medical Science, for January last, and a table from the work alluded to, will be found at page 92 of the Journal. It is a table showing the proportion of the invalid and disabled troops in the different services. First, he takes the British army, giving a percentage of 0.65 per month; then the regular Army of the United States giving a percentage of 0.53; and then the additional force raised in the war with Mexico, being regular troops, 0.52; then the volunteers, 1.25 per month. That is to say the men, who became diseased and disabled by the contingencies of the camp, were about double, in the volunteer forces, what they were in the regular army. Why was this? In the first place, the volunteers did not know how to take care of themselves; they did not know how to shelter themselves; they did not know how to cook their provisions; and in the next place, their habits were suddenly changed, and this waste of life was the result of the sudden change before the animal economy had been accommodated to it. If you were to take an Osage and put him on a simple rice diet, you would as surely kill him as if you were to take a Hindoo and put him on a meat diet alone. Either of the two extremes would bring about the same result, and be destructive to the efficiency of the Army.

Next I refer to the report of the Surgeon-General of the Army, of November 9, 1846, in which he says:

"From the best information which has been received at this office, it is believed that the extent of sickness among the volunteers on the Rio Grande has been fourfold to that among the soldiers of the regular Army, with a corresponding excess of mortality in the ranks of the former. * * *

"But this is not all; the presence of a numerous body of invalids seriously embarrasses the service; for, besides consuming the subsistence and other stores required for the efficient men, they must have an additional number of surgeons and men to take care of them, and a guard to protect them, which necessarily lessens the disposable force, the available force, for active operations in the field."

These are the two statements on which I would rely as to the relative efficiency of the two species of troops; and these reasons apply with fourfold force to the circumstances of the expedition to Utah. They will be there further removed from civilization; they will be there more deprived of the comforts to which they have been before accustomed. The casualties resulting from the

employment of militia in such a service as that, by their being disabled by disease, exposure, and the vicissitudes of the camp, will greatly exceed anything we have heretofore encountered in the cases from which these results have been drawn.

There might, however, be circumstances which would justify us in meeting all these objections. If I believed, with the Senator from Texas, that the cavalry of the United States Army was necessarily wholly inefficient, a mere tax which never did and never would do anything, certainly I would say we must look out for some other character of troops; but some of the hard rides read to him to-day, some of the successful pursuits, defying all privations of food, cold, and thirst, should somewhat convince him that the Army may be effective for the purpose for which he proposes to employ a volunteer force. He says he wants troops; but he wants a different kind of troops than the Army can furnish; he wants men who are able to take care of their horses; men who know something about frontier service. Where will he find them out of the Army, comparable to our dragoons? Where will he find men who have so often encamped under the blue vault of heaven, and relied on grass to support their marching column, as in the Army of the United States? Where will he find men who know so much of the topography of the country? If his objection be that the recruits are not sufficiently instructed, the remedy is to give us more force; not to require that every man, the instant he is enlisted, shall be thrown on to the frontier for immediate service; but give us enough troops to keep some in camps of instruction and in schools of practice, where they may be educated for those duties which the Senator desires to have them perform.

But he makes the argument of economy in that connection, and uses it in several other connections; and among others, the Senator from Georgia first asserts and the Senator from Texas indorses it, that Texas used to be better protected by four companies of rangers, than she is now by five regular regiments. To that there are two answers: First, there are not five regiments there; and second, if Texas ever was protected by four companies at the early period referred to, those four companies might have been quite adequate to protect the settlements which, at that time, were not equal to one twentieth, or perhaps one hundredth part of what they are now. Four companies were sufficient to protect a single ranch; they were more than sufficient to protect a single man; and they may have been sufficient to protect the whole amount of border settlements Texas then had.

It is further to be remembered that the Indians then lived upon fertile valleys with abundance of game, and that the prosperity and progress, which to me is most gratifying, of the people of Texas, has now driven the Indians from the fertile plains into the arid region where but little game is to be found; and now, by necessity, they commit forays for plunder in order that they may obtain food, which is not to be found in the haunts to which they have been driven.

Then, again, it is to be remembered that Texas did not occupy to the boundary of the Rio Grande. I contended in 1850 that that was her territory. I contended for it a great way up the stream; but nevertheless it is true that she did not maintain posts on the borders of that river overlooking the territories of Mexico. A portion of the force in Texas is to be accounted for by manning those posts which mark the boundary of the Rio Grande, and which Texas never occupied with a regular force.

Now, sir, the question of economy is to be answered in several forms. As I understand the argument, the basis of it, and it was so stated by the Senator from Georgia, is, that the cost, whilst in the service, of a militiaman and of a regular is the same. He made some slighting remarks about the skill of regulars in making out accounts, to which I have no reply to make, but he said the pay and allowances were the same; overlooking the fact, that the more frequently you change the force the greater its cost. He has neglected the law which gives to the militiaman fifty cents a day for his own subsistence, and twenty-five cents for that of his horse, whilst he is going to and getting back, and twenty-five cents for the use of his horse while he is in service. It is a fact that we have been able to get very few volunteers otherwise than mounted. It has become steadily more and more so with each year. The late Adjutant General Jones used to say, that he recollected the time when the song was, that a man was to shoulder his musket and march away, but now it was to get upon a horse and ride away. His complaint was then that he could not get militia to serve on foot. He could not get militia in Florida to serve on foot. It was not so much that they required to ride, as that they would not serve for the poor pay given to the private soldier of the United States; they required the pay of mounted men, pay and allowances for their horses; and the indemnity for their horses, which always follows, in a heavy train, behind the allowance for permission to use the horse at all.

All these matters have been reduced to calculation; we have had reports on them. It is hardly necessary to argue that the

traveling allowances, the clothing which is on the ratio of the first year's services, and the pay for the use of the horses, constitute the items that make up the very great expense of the employment of volunteers. These have all been stated in tables, which have heretofore been prepared, presented, and published for the use of the Government. The Senator from Florida [Mr. MALLORY] this morning referred to the letter of Mr. Poinsett. That letter communicated a report of the Paymaster-General, who went beyond the limits of the then Secretary of War. He refers to the disparity between the cost of the two forces as nearly six to one, because, he says, the horses that are employed are merely to carry the men from place to place, and really impede the march of the column. Then he goes on to state that—

"This enormous disparity in the expenses of the two forces is not owing to the extravagant allowances made to volunteers; for, except in the article of clothing, they are not better paid than regular troops, and altogether insufficiently compensated to reimburse them for the pecuniary sacrifices they make in leaving home and employment, to say nothing of the danger and hardships they encounter. It is caused principally by expenses for traveling to and from the place where the services of the volunteers and militia are required; to the hire, maintenance, and indemnity for horses; and to furnishing them a full supply of clothing as a bounty, without regard to length of service. The statements also show the expense of volunteers serving on foot, and of militia. The term of service of the latter never exceeds three months, unless specially provided for.

"There is one comparison that would place the contrast between the expenses of regular and irregular troops in a much stronger light, if I had the data to enable me to state it in figures; and that is, the comparative loss and destruction of military stores and public property by the two forces."

He presents his tabular statement in which he shows, on the basis of the companies, that for six months the cost of a company of United States dragoons was $13,573, and for the mounted volunteers $22,575. That is the ratio to which the attention of the Senator from Georgia is called before he again assumes the position that the expense is the same.

The Senator announced, in the course of his argument, that the cost per man of the Army was $1,000 per annum; but the Senator from Maine, I think, says it is $1,500. The Senator from Louisiana [Mr. BENJAMIN] says it is $1,000; and thus it seems to be a question between the gentlemen whether it is

$1,000 or $1,500. I am quite at a loss to know by what process of calculation they reach that result. Surely the Senator from Georgia, when he states the cost per man during the time Mr. Calhoun was Secretary of War, to be $273, has not based his calculation on any data which will lead him to decide that $1,000 is the cost of a man now. Whatever process of calculation is adopted, it must be different for the one case and the other to reach these results. It is utterly impossible to obtain them by any one process of calculation.

Mr. TOOMBS. I can refer the Senator to my authority. In 1842, the Secretary of War, Mr. Spencer, of New York, I think, was called upon to compare the estimate of expenditures. He puts it at that amount on the same basis by dividing the expense by the number of men and officers. The report I stated from recollection was that it was $273. That is where my information is derived from.

Mr. DAVIS. The report of 1820 is to be found in the American State Papers, volume 2, pages 46-7; and in it is stated the strength of the Army at different dates, and the annual expense per man, including officers; and this report states it to have been, in 1809, 1810, and 1811, $383 60; in 1820, $336 56, per man; and that the reduction of nearly fifty dollars has been ascribed, and I think with much justice, though I do not believe it is wholly due to that cause, to the increase of the Army which, in the mean time, had taken place. The Army had been increased on the peace establishment by six thousand men, and the expense per man had sunk nearly fifty dollars.

Now, sir, I have had a calculation made on the present basis to ascertain what a regiment of infantry will cost; and I have asked that it shall be a regiment of infantry to be raised, including the whole expense for recruiting, the first year's clothing, all the camp and garrison equipage, so as to bring it as nearly as possible into a fair comparison or parallelism with a volunteer force raised for the same time. It is the same table which was furnished to the Senator from Texas, but which could not have been in his possession when he made his remarks. The pay during twelve months of a maximum infantry regiment, eight hundred and seventy-eight strong, (that includes all the field and staff, and includes the additional men granted by the act of 1850,) including officers' subsistence, clothing for their servants, and forage for the horses of the field and staff, subsistence of the enlisted men at the price which has been estimated for the Utah expedition, clothing for the enlisted men, with camp and garrison equipage for the officers and men, make

the total amount of maintaining for one year such a regiment, $293,784 39. If to this be added the maximum cost of raising such a regiment, $14,630, we shall have an aggregate of $308,414 39; and this divided by eight hundred and seventy-eight would give us the cost per man for the first year, $351 24. The cost of raising a regiment would of course be excluded from all subsequent calculations. The estimate for clothing would be greatly lessened the second year; and the estimate for camp and garrison equipage would disappear.

We have had an estimate lately sent in to us, of $385,000 required by the pay department alone for twenty companies of volunteers for six months. That would be equal to ten companies for twelve months; and taking it and comparing it with this estimate of a regiment for a year, adding the cost of rations, which is $77,015, it would give a total of $462,015, (including merely the cost of rations and the pay,) or $526 21 per man. It follows, then, that a regiment of volunteers would, for one year, cost $153,600 61 more than a regular regiment. * * * I answered him on that point this morning, and showed him that, at least, recent legislation had removed his argument, had opened the door wider than ever before, and the rank and file were in a better condition now than they were at the time to which he referred, so far as promotion was concerned. I endeavored—I will not say successfully—to controvert his idea that the present object was to diminish that opportunity, and sought to show, and I believe did show, that the first section of this bill was to increase the opportunities for the promotion of the rank and file, both to commissioned and non-commissioned officers.

But he repeated, this morning, something like the argument he made the other day, when he averred that there was an impassable barrier between the rank and file and the commissioned officers, and he ascribes it all to the Military Academy as the root of the evil. He says these are political appointments. He seems to have a very bad opinion of a man because he has been instructed in a particular branch. He seems to reach the conclusion that it follows, as a necessary consequence, that if a man has been educated for a particular profession, he is utterly unfit for it. Therefore, the lawyer, who gets a license, must be unfit to go into court; the surgeon, who has walked the hospitals, must be unable to perform an operation. It seems to me that the test to which they are applied ought to bring anybody's mind to a different conclusion.

I propose to notice that, in connection with his argument, that this is political favoritism. I claim that on the theory which at

present exists, we have the most democratic basis which could be incorporated into the Army. How are your cadets appointed? It is true the law leaves to the Executive the power to appoint; but it is well known that the practice is, and for many years has been, for the member of the congressional district in which a vacancy occurs, to nominate whomsoever he pleases from that district, and the Secretary of War always appoints the person so nominated. Then these appointments are political only in the sense that they represent every shade of political opinion which is represented in the House of Representatives, and that every political party, which can have a voice in the House of Representatives, has a representative in the Military Academy. Is that objectionable? If so, how is it proposed to be cured?

Then, again, the large number appointed, say one hundred per annum, exceeds the number who are commissioned, say forty or fifty, more than two to one. Thus double, or more than double, the chances are given to the youth of the country to get into the Academy, than are offered to get places in the Army. I say you multiply the opportunities; and how is this brought to bear? From each congressional district a nomination may be made. The cadet so nominated enters the Academy, and there it depends on himself whether he shall go through and obtain a commission or not. When he attains that commission, he feels that he has something which he has won by his own effort; something he does not owe to the favor of any one, save so far as he may run back to the early favor he received from the member who nominated him to an office, which was so small that the member had probably forgotten it. If, then, I say, there is any mode by which you could leave the officer of the Army without any political bias of character; any mode by which you could leave him independently to feel that he might entertain whatever opinions he pleased, it is that which you have adopted, and which enables him to reach a commission by his own effort, in contact with the struggling many by whom he is to be surrounded.

If you were to increase that Academy twofold in number, you would but render its principles more democratic; you would but increase the chances to youth to get position; you would but increase the struggle which would be required to obtain a commission, and give him additionally to feel that whatever he attained he owed to his country, and not to man; to himself, and not to mere political favoritsm.

The Senate proceeded to the consideration of executive business, and then adjourned.

THURSDAY, *February* 11.

Mr. President, having already consumed the time of the Senate to a greater extent than I had anticipated, I shall endeavor to close my remarks very soon. Yesterday, in the progress of a review of the various objections made to the bill, I noticed those points that relate to efficiency and economy. I undertook to show, at that time, that it was better all the duties of our peace establishment, as it is called, should be performed by regular troops, than by the frequent calling out of the militia. I endeavored, also, to indicate at that time the sources of the increase in the expenditure of the Army, and to show that this was the result of the remote points at which the Army was serving; it was the result of the vast expense of transportation to those remote points; it was the result of the increased cost of everything which entered into the consumption and the active employment of the Army.

I do not recollect whether or not I stated another very essential difference: being that, whilst at the time the comparison of which I spoke was instituted, we had no mounted force except a small amount of light artillery, we now have nearly one third of the amount of the Army mounted; and that portion of the Army almost constantly in active service. Horses which at that time were worth sixty or seventy dollars, cost last year $176; forage has risen in the same proportion; and, as the loss of horses in the service of the United States has been referred to, I invite attention to the cases which I cited yesterday, and others of a like kind, where Indians had been pursued by troops for hundreds of miles without cessation, passing over sixty, and sometimes even eighty miles, almost, scarcely without drawing the rein, in pursuit of an enemy as wily, as brave, and, mounted on horses, nearly as fleet as the Arabs of the desert, over a country quite as inhospitable, and in which it is equally difficult to obtain water or food necessary to sustain a horse. Undergoing this severe fatigue under excessive heat, is it matter of surprise that horses, drawn immediately from the farms where they have been purchased, and forced into such service as this, should sink under the trial—should require to be renewed, and that the expenditure should be great, as they must be supplied not only at the high rates of the market, but at the accumulated value they have when transported to these remote points?

The distribution, which is to be made of the gross amount of expenditure according to the statement read by the Senator from

Louisiana, [Mr. BENJAMIN,] is not a distribution upon the heads of the soldiers. For a fair comparison, reference must be had to the different character of troops; and it will be readily seen that the simple division of a gross sum to be applied to a variety of objects cannot give a result which will express the cost of the soldier truly. The sum he has stated is, I believe, perhaps about that which a mounted soldier costs in the Army. Taking the troops serving at these remote points, engaged in these expeditions, and taking the cost of forage, and the supplying of remount horses, I believe it will amount to what he stated, $1,000 *per capita;* but this surely is not to be taken as the average cost of the Army, it being not the man only, but the horse also, and the cost of both depending on the locality of service. Equally delusive is the comparison made between the cost of this date and that selected, there being no cavalry at the former period, and the posts being then convenient to the great markets of the country, and contiguous to productive settlements.

I have never, I believe, either in my former or present service in the Senate, referred to any criticism in a newspaper, or to a newspaper article, and I do not intend to do so now in that character; but the Senator from New Hampshire, [Mr. HALE,[yesterday, introduced a newspaper article, which, at that time, I had not read. Since it has been introduced by a Senator to the Senate, I will notice it; but otherwise I would not have done so. It is a flippant article contained in the Union of yesterday, in which the writer undertakes to arraign the Committee on Military Affairs of the Senate, and presumptuously, also, to arraign the Senate, and, committing the most egregious blunders, to state what, under certain contingencies, the Senate would have done. He announces, after speaking of the wants, and delay the Senate had made in attending to them:

"Strange as this delay is, its causes are yet stranger. The increase recommended was by regiments. That recommendation came *first* from the Lieutenant General commanding the Army, indorsed by the Secretary of War, and finally approved by the President. It can scarcely be doubted, had the Military Committees, without delay, reported a bill in conformity with these suggestions, it would at this moment have been the law of the land, the regiments in a forward state of recruiting, and arrangements in progress for their early march to their places of destination."

So far as that delay occurred in the committee, it occurred during the period the committee were collecting information and

investigating the subject, to reach a result and bring that result to the Senate. Then, sir, as to what the Senate would have done, that is not a matter of speculation. The substitute presented by the Senator from California, [Mr. GWIN,] the very proposition of the War Department, was voted upon, and it received but eight votes in the Senate; and of those eight votes, some Senators voted for it because they felt it was a proposition so easily killed that they had better substitute it for the bill of the committee, with no desire that it should pass, with no intent to sustain it, but simply adopting it as a means of readily disposing of the whole question.

This article proceeds to deal with military matters, and informs the Senate and the committee that all the knowledge on military affairs is at the other end of the avenue; and then the writer proceeds himself to launch out a little. Speaking of the Army organization, he says:

"Indeed, on inquiry, we learn that *two* of each of the *twelve* artillery companies are intended for light field artillery, and are not integrals of the garrison organization, which conforms to the other regiments, is of long standing, is the basis of our system, State and Federal, and of the systems of the European armies."

If he had happened to know a little about the organization of the European armies, of which he speaks so confidently, he would have understood that the artillery organization there is for a wholly different purpose—a purpose for which ours should be—and conforms to the idea which I once presented to the Senate, when in the War Department, to make our artillery organization for the use of large guns, and not as they are now—infantry, merely wearing a different uniform. The article proceeds:

"In fact, but a hasty glance at the books shows but one established system of regimental organization in all these different arms, and we find the entire tactical system based on battalion, squadron, regimental drill, and army evolutions, contemplating *ten* companies to each regiment."

The "glance" must have been "hasty" indeed—hastier than a "plate of soup;" and it must have been oblique as well as hasty; otherwise it certainly must have occurred to the writer of this article, who, it is apparent, is not as ignorant as he is inclined willfully to misrepresent, that so far from this being a uniform

organization, it is an exception in every army of Europe; that so far from ten companies being the universal organization, so far from the tactics depending on the number of companies, he will not find in any system of tactics the word "regiment" used. All our tactical organization is on the basis of the battalion; and a battalion in the European armies usually consists of some fraction of a regiment. A regiment may consist of one, two, three, four, or six battalions, and in some circumstances it does. There are, in some services, regiments running up from six to twenty-four companies. The idea of ten companies being the basis recognized all over the world as necessary for the tactics, is an absurdity which a man who shows as much knowledge of the affair of which he writes as the writer of this article, cannot have committed with an honest purpose. Then he says:

"The mischief would not end in deranging the fixed Army basis, but would result in fundamentally changing the militia organizations in all the States of the Union, as they have adopted the Army plan, and must always look to it for its system of drill and instruction. Here would be incalculable mischief and confusion."

Incalculable mischief and confusion by changing the number of companies in a regiment!—a change that has been frequently made in our own history, and which, in its reference to the tactics, is not found to bear any relation at all, the whole being intended for a certain number of companies constituting a battalion; and it merely so happening that, when the tactics were prepared, ten companies did constitute a regiment; and, therefore, in assigning the captains to their posts in line, they are assigned numerically on the basis of ten companies to a regiment.

I wish it to be undertsood, sir, that it is because the Senator from New Hampshire has introduced this subject in the Senate, that I have departed from what is the course I have heretofore pursued, and stop to notice newspaper criticism on the action of the committee, or of the Senate, or of myself. In times past I have defied such criticism, and I expect to do it in the future. I rely upon the intelligence of the people to discriminate between the scribbler who arraigns a public man for the manner in which he performs his duty, and the justice that truth requires, as it is to be elaborated by their own intelligent minds.

I pointed out, in my remarks yesterday, the distinction between a State and a Territory in relation to the power of this Government to use its military force. This brings me to a brief

notice of a remark in the President's message which refers to the withdrawal of the troops in Kansas in case Kansas should be admitted as a State. The President sees, no doubt, that troops are required elsewhere; and I agree with him, that if Kansas becomes a State, she ought then to provide for the execution of her own laws; and that if she requires extraneous aid, it ought to be sought only in the manner provided in the laws made in conformity with the Constitution. I agree with the President, that troops ought not to be quartered in the State of Kansas, or any other State, with a view to preserve civil order, and that the troops will be disposable when Kansas shall be admitted as a State. Whether peace will follow, I do not know. That depends on whether the people of Kansas are now fit to be a State. If they are fit to form and maintain a State and take their place as equals in this Union, then they do not require troops to be quartered in their midst in order to preserve civil order. That is a question which belongs to the future. In the mean time, I take it for granted that the President will withdraw the two thousand men heretofore kept, under the requisition of Governor Walker, to preserve peace in Kansas, and to suppress insurrection in the event of her admission into the Union.

That, then, renders two thousand men disposable for other service; but I submit to the Senate whether it will justify us in keeping our troops down to the present establishment. The long lines to be occupied, the numerous posts required, in addition to those we now have, demand an additional force. The committee have adopted a plan which gives us an increase of the integral parts of the Army. It was believed to be the most economical which could be adopted for that purpose, avoiding the very high expense that belongs to the higher grades of officers in the regimental organization, preserving the present efficiency, and opening in the future (when that future shall come and which I do not pretend to foresee) a convenient mode of reducing the Army by striking one battalion off each regiment; and if then, the President possess the power, on a declaration of a war, to restore this third battalion, it will render each regiment one third larger on the war than on the peace establishment, and they will go into the service with that efficiency and reliability which belong to discipline and instruction.

During the time I was particularly charged with the administration of the War Department, troops were kept in Kansas when I desired to get them out, not that I did not believe occasions were occurring where they might be useful—and they proved more useful than I believed they would be—but on

account of the difficulties which then existed on our frontier. The campaign which had been projected against the Cheyennes was paralyzed by the keeping of troops in Kansas. Those troops were wanted on the frontier to preserve peace; they were wanted on the frontier to punish Indians who had committed acts of hostility; but they were detained in Kansas from day to day, from month to month, and year to year. We looked to the time when peace in Kansas would relieve the Government of the necessity of keeping them there. Time rolled on, and the necessity still continued. When those necessities are to cease, I am not able to foretell.

In the mean time you are aware that a small army has been thrown forward to preserve order and maintain the laws in the Territory of Utah. I shall not follow Senators in a discussion of the propriety of making that expedition against Utah. I believe, and I will say so much now, that the elements of disintegration were in the community of Mormons established in Utah; I believe that physical causes and moral causes were conjointly working together to break up that people. I believed, then, and I am rather inclined to the opinion now, that if we had stood still they would have separated; that it required the compressive force of active movements against them to bring them into submission to their great leaders, to bring in the colonies that had been thrown off from the mother settlement at Salt Lake, back to the grand church, and to unite them under a bond of fanaticism that now makes them effective against any military force that you can probably send there.

But these are questions which belong to the past, and speculation upon which cannot guide our conduct at the future. The Government of the United States has thrown forward its troops on the trail of the Salt Lake. They are in the mountains now, a small body of men; perhaps sufficient, if they had started in time to have gone through to Salt Lake, to discharge their duty; but, checked in the mountains, it is probable that before spring arrives, their animals will have been so reduced, so many will have been lost, that they will be without the ability to move. If the commander of that expedition, Colonel Johnston, has the transportation which will enable him to move, he will subdue resistance with the force he has. I speak it with a confidence which grows out of a long acquaintance, both in the garrison and in the field; but my apprehension is that he will not have the power to move, for the want of transportation; that he must stand where he is until he is reinforced.

Now let us see what is necessary to reinforce him. The column

with which he moved was no larger than was necessary for its own security and the security of its supplies. Then the column that goes to reinforce him, if it were only with provisions and animals of draught, must be as large as the original column, and it must be larger still, because the train will be increased; and thus you will go on from year to year with every additional train of supplies you send out; sending a detachment of troops at least equal to, I believe it must be larger than, the original column which went forth under the command of Colonel Johnston. Year by year, then, as you delay, you will continue to increase the expenditure and increase the column that you are annually to send out. A column may come back, but the expense will not be the less for that reason. Your expenditure is to grow annually until this matter is terminated in one way or the other. If it is to be terminated by bringing the Mormons to submission to the Government of the United States by force, clearly, then, wisdom, both in relation to treasure and the honor of the country, requires that an efficient force should be thrown forward at once, and that the act should be accomplished in the first months of the ensuing summer.

On the other hand, it may be that they will make no armed resistance; that they will fly to the mountains, hang in the gorges to harass trains and cut off emigrants. We then stand but in the same category. This army of occupation still is to be maintained; it is still to be supplied—supplied by a column capable of covering its lengthy train over the long march it must make through that arid, desert country, and thus annually you incur the same expense, if the object be merely to hold possession; whilst the rebels of the settlement at Salt Lake are scattered through the mountain passes, and lying in wait to capture the emigrant trains or the trains of Government supplies.

What other means may be in the power of the Administration to adopt to terminate this difficulty, is not within my knowledge. It may be that these people would be willing to withdraw from the controversy with the United States, and not being willing, on account of their religious oaths, to submit to the laws, and to surrender their hierarchical government, yet might be willing to leave the limits of the United States, and go to some remote region, if they had the means so to migrate; for I hold all speculation founded on the supposition that they are to go away in the spring to parts unknown, must prove entirely deceptive. No community ever had the transportation that would carry the whole body-politic to some remote country, and bear with them

supplies to sustain them until other supplies could be grown in the country to which they had gone. They have no people waiting with open arms to receive them. Wherever they go, they are probably to meet with the hostility of the Government into whose country they enter. Unless they seek some island in the Pacific, I know of no place they can go where the Government will open its gates to receive them. Then they go not to find shelter, not to receive supplies; but they go bearing with them the supplies that are to support them, not merely during the march, but for at least six months after they have arrived at the place of destination. Is it not, then, apparent that they cannot go without the aid of the United States? If they wish to go, I would not only acknowledge in them the right of expatriation, if, indeed, they be citizens of the United States, but I would willingly give as much money, and more, too, than the campaign would cost, thus to get rid of them. I would much rather pay money to let them go peaceably than pay money to drive them away by shedding the blood of American inhabitants on American soil by American arms. Deluded fanatics—criminals they may be—I want not their blood shed by the Government of the United States.

Passing to the next supposition, if they shall retire, a force will be required to keep in check the Indians who surround them, already stimulated to hostility, holding a mountain region which can never be possessed by an agricultural people; indeed it required such associated labor as fanaticism only could command ever to enable the Mormons to support themselves in the valley of Salt Lake. Through that country our emigrant routes require constant military protection; and if the Mormons were out of the United States, still a force must be kept along those routes, or moving at stated periods across the continent to give protection to our emigrants traveling from the valley of the Mississippi to the slopes of the Pacific.

I do not see how we are to look forward, from any possible conclusion of this Mormon difficulty, to a reduction of the Army; and it was because of these and other things, with which I will not weary the Senate, (for I have already occupied too much of their time,) that I stated, in a very early period of this debate, that I did not propose a temporary increase, and that I could not anticipate the day when the reduction would come. This was the honest avowal of opinions which resulted from a somewhat careful examination of the subject.

During the last year I was in the War Office, an examination of the condition of that country and of the emigrant routes, and

of the probable future, induced me to project a campaign which was to have started last spring, and to have gone across by the Salt Lake and through the Klamath valley, which was known to be filled with hostile Indians, to the slopes of the Pacific in the Territory of Oregon. That campaign was broken up; and the only reason I have ever known was, that it was thought to be too late for it to start. Provisions had been thrown forward as far as Fort Laramie, and every disposition had been made to render the campaign certain of success. Whenever they start, they will have to start later than the period when the order for that campaign was countermanded.

Among the amendments to the bill which have been suggested, one is to reduce the establishment at the termination of this campaign. I will offer no objection to that, because that is merely referring the question to the wisdom of the future. I have not, in any remarks that I have made, intended to offer any objection to a proposed reduction further than this: I deemed it due to myself to declare that I could not say that I believed, at that time, we could agree to a reduction. If the Senate decide it now, I have no objection to the provision being made now; no more than postponing it to that time. Whenever the time comes that the Army can be reduced, I shall be as ready to vote for its reduction in any form which may be practicable, with our theory of a skeleton peace establishment, as any one. I have no particular objection to the amendment which the Senator from Ohio [Mr. PUGH] has proposed; though I will say to him, in relation to the additional surgeons, that that does not depend on the size of the Army; it depends on the number of posts. The number of surgeons that may be required will depend on the manner in which the Army is distributed and administered.

When the four regiments were asked by the last Administration, no increase of the medical staff was asked, because the policy of that Administration was to concentrate the troops into larger bodies, relying for the control of the Indians more on campaigns than posts, and thus to diminish the number of medical officers who would be required, which does not depend on the number of troops, but on the number of parts into which you divide your Army. We now have some forty-two private physicians employed. They are generally employed at remote points, without any possibility of knowing whether they are competent or not; and the soldier, prostrated by disease at a point where he cannot possibly get a physician on private account, is turned over to somebody whom the Department

cannot know. That is the present condition. We ask for an increase of fifteen assistant-surgeons, which is only a part of the whole number of private physicians now employed; but by employing those private physicians at recruiting stations and at posts near to cities, it will be possible to avoid the evil which is felt when the necessity occurs of employing a private physician on the Army frontier. It will be economy. You get not only persons of whose competency you have the power to judge, but you get them at a much lower rate than it is possible to hire private physicians.

Looking hopefully forward to the end of all present difficulties, Senators have proposed to fix a time and manner of reducing our military establishment. There are many practicable methods of reduction. I have mentioned one this morning—cutting off a certain number of companies from each regiment, and leaving the regimental organization entire, so as to give the readiest increase in time of war. Reduce the number of companies to eight, which gives you the battalion; our present system being, in a regiment of ten, to call eight battalion companies, and two flank companies; sometimes the two are called light companies; sometimes the two are called one light company and one grenadier company; but the ninth and tenth companies are flank companies; they are not companies of the battalion at all. Our organization is the battalion.

But we have been told that there is not the power to reduce the Army; and why not? The Senator from Texas says it is on account of the graduates of the Military Academy, and that it is necessary even to increase the Army to make places for them. That is a question of figures. The number of graduates did not equal the number of casualties that occurred last year; a number of appointments were made from civil life and one from the ranks of the Army. There were vacancies which occurred in the Army after absorbing the brevets which had been attached to the Army during the previous year, showing that the class of the previous year did not equal the casualties of the year. But have we not power to reduce the Army, and have the young gentlemen educated in the Military Academy such political puissance that the Senate dare not brave them? The officers of the Army, the class in the community that have no vote, thrown out on the frontier so far that if they were to speak their voice would not be heard, how are they to control the action of the Senate? It is a reflection on the Senate, more degrading to it as a body than the depreciatory terms which the Senator applied to the Army. I believe we can, and I believe we will, when we

find the interest of the country justifies it, cut down this or any other part of our governmental establishment; and I only wish that the same scrutiny could be applied to other portions of the expenditures of the Government of the United States.

In this connection I believe I did not allude to one point, which I will not at this time press, for I have already consumed too much time. The fact that no small part of the expenditures incurred in connection with our Indin troubles results from the administration of the Indians being under one Department, and the military affairs under another. The Interior Department and the Army are thus brought into conflict on the frontier. The Government pays both the contestants. The Government, through the Interior Department, sends arms and ammunition to the very Indian tribe whom the next month the War Department may send troops to subdue. Thus discontent and distrust arise between the two branches of the public service. The Interior Department sends presents to the Indians, and those Indians receive the presents after they have committed a foray on a settlement, and been chased for hundreds of miles by the troops; and thus they find their Great Father sending them these tokens of peace and good will, notwithstanding their misdeeds. It results from the organization, and it will continue until the control of the Indians is transferred back to the War Department. Then you bring the whole in connection; then a change from the peaceful to the hostile relation does not change the Department with which the Indians bear their connection. Then they will understand, after they have been subdued by force, that they are treating with the same power that subdued them, and their very narrow comprehension will then see that the Government of the United States is one, whereas now it presents itself to their view as divided.

A few remarks now upon the general subject will, I believe, enable me to relieve the Senate. In various phraseology, it has been charged that the Army everywhere is the enemy of liberty, the instrument of despotism. One Senator even arraigned the Executive as wishing to use the Army to subvert the liberty of the country. An old man, who has attained the highest station his country could confer, and that the highest station in the world, rising to it through the beneficial character of our institutions, which has enabled an obscure boy to become the Chief Magistrate of a great people, must now turn, according to this idea of the Senator from New Hampshire, and make war with the Army upon the liberty of the country to which he owes whatever he is—identified with which has been the whole course of

his public life; associated with which is his every achievement; and the destruction of which would only save him from oblivion by preserving him for ignominy. What object could he have? His highest ambition, the highest ambition which earth offers, having been attained, he must now seek to crush the very steps by which he has ascended! Can it be so?

But, sir, suppose a Chief Magistrate to be so wicked and so silly as this, how could he use the Army for such purpose? Refugees, to some extent, from other countries, who have come here to enjoy liberty, weary of the despotism of the land in which they were born, and natives of the United States, cradled by mothers who would, themselves, have met a despot if he had come to the threshold of their houses, and with their own feminine arms have repulsed tyranny from the land of their birth—commanded by men who have been selected in their boyhood from the various conditions of the people and sections of our country, educated in the service of the Government, accustomed to look up to it as not only a temple beneath which they found shelter, but to uphold which, in all its beauty and its strength, was the great end and aim of all their earthly ambition—trained to love, to respect, and to follow a flag emblematic of that Union which makes us a confederation of sovereignties, following from year to year, upon a poor pittance which barely sustains life, a profession to which they have been educated and to which they are attached, looking through it only to promotion and that reputation which is to be gained by the peril of their life, if an opportunity should offer, in the cause of their country—educated gentlemen, drawn from every section of the Union, from every condition of life, are suddenly, because they bear commissions and have sworn to sustain the Constitution and to serve their country against all enemies whatsoever, to be converted into the mere instrument which a tyrant may use for the overthrow of the country's liberties. And yet further, sir, these men, such as they are, segregated into little bodies of forty or fifty, or two hundred at a place, thousands of miles apart—he who was born in the South stationed in the North, and he who was born in the North stationed in the South, or he who was born in the South stationed in the land of his birth, and enjoying communion with the people who gave to him his first impressions, and so of him of the North—how are these men, in these little detached handfuls, all over our wide-spread country, to combine against the liberties of the Union?

In this connection, sir, I wish to read a single remark of Mr. Calhoun, for this is not a new subject. I read from a letter of

his, addressed to the House of Representatives, December 14, 1818, to be found at page 779 of the State Papers, Military Affairs, volume 1:

"I have not overlooked the maxim that a large standing army is dangerous to the liberty of the country, and that our ultimate reliance for defense ought to be in the militia. Its most zealous advocate must, however, acknowledge that a standing army, to a limited extent, is necessary; and no good reason can be assigned why any should exist but which will equally prove that the present is not too large. To consider the present Army as dangerous to our liberty partakes, it is conceived, more of timidity than wisdom."

He then goes on to speak of the condition and character of the Army. We are told, however, and told truly, that republics have been overthrown by military organizations; but when did such a Republic as ours exist? Is Rome to be compared to this country? Rome is cited as an example to point the future destinies of the United States. Hers was an empire. When she had the name of a republic she was yet but a consolidated empire, with dependent provinces won by conquest, and governed by pro-consuls. Is this to be assimilated to our great family of States, each governing itself, each independent of all others, but all connected together for the common welfare, the common glory, and the general good?

Then we are cited to cases in Europe, where despotism is maintained by standing armies; but suppose the despot had an American army to rely upon, would they be faithless to their first impressions, faithless to the free blood which runs in their veins and which descends from the bold barons of Runnymede? or would he not find when he came to review the line of his army, on every brow set the seal of inborn equality and independence, and would not some private in those ranks thunder in the ear of the despot, like Patrick Henry, the warning of the fate of Cæsar and of the fate of Charles?

Is it to be inferred that a man who is a freeman at his birth, who has all the spirit of republicanism in his heart, is to lose it by entering the military profession? Is it true, as the Senator from Texas has told us, that service in the Army stultifies young men? It cannot be. He is a bright example of the reverse himself. It was his proud fortune to rise from the ranks by his own merit to a commissioned officer, to serve in the Army, and there to acquire many of those qualities, endowments, and graces, which have adorned this Chamber. He stands in him-

self a brilliant example of how little the Army stultifies, and how much it may exalt the youth contained in its ranks.

We have other and great examples. Did Washington become the fit instrument of a despotism? was he stultified because he entered the service of the United States in his youth? That great mind which comprehended the whole condition of the colonies; that heart which beat sympathetically for every portion of his common country, feeling equally for Massachusetts and South Carolina, for New York and Virginia; that great arm which smoothed the thorny path of revolution, and led the colonies from rational liberty up to national independence, and laid the foundation of that prosperity and greatness which have made us a people, not only an example for the whole world, but a protection to liberal principles wherever liberty asserts a right —was he stultified by service in the Army? Jackson too, the indomitable Jackson, who when a boy and a captive spurned the insult of a despot, and for asserting his personal dignity received a wound, the scar of which he carried to his grave—was he by service in the Army when yet a minor, by brilliant exploits in middle age, rendered the fit instrument of despotism? If it be said these were men drawn from the pursuits of civil life and only occasionally employed in the military service, what, then, shall be said of the great, the good, heroic Taylor? for a hero he was, not in the mere vulgar sense of animal courage, but by the higher and nobler attributes of generosity and clemency. His was an eye that looked unquailing when the messengers of death were flying around him; but in the ward-room, over his wounded comrade, was dimmed by the tear of a soldier's love and compassion. His was a self-reliant, resolute heart, which rose under accumulated difficulties, and hardened by contact with danger; but that heart melted to a woman's softness at the wail of the helpless or the appeal of the vanquished. He was a hero, a moral hero. His heart was his country's, and his life had been his country's own through all its stages. Was he the fit instrument of a despot to be used for the overthrow of the liberties of the United States?

Shall I prove my proposition by going on and multiplying examples; or is it not apparent that whatever may be true of the history of Rome, whatever may be true of the condition of Europe, the United States stands out its own founder and its own example? No other people like our own ever founded a State. No other people like our own have ever thus elevated a State to such greatness in so small a space of time. If there be evidence of decay, that decay is not to be found in the spirit of

your little Army, but is to be hunted for in the impurities of your politicians. It therefore does not become the politician to point to our little and gallant and devoted Army, as the incipient danger which is to overthrow the liberties of this country.

If I have succeeded, Mr. President, in impressing upon Senators the principal truths I have endeavored to advance, I have succeeded in showing that the plan of increase which we propose is the most economical and efficient within our reach. If their judgment, however, shall decide otherwise, I then have performed my duty. I have argued this question earnestly because I am thoroughly convinced of the advantages of the bill which is before us. If I am in error it is fortunate for me that the majority of the Senate will correct it. If I am right, the future will sustain my opinion, even though it be now overruled. I am, therefore, content with whatever fortune may befall the bill.

Jefferson Davis to Franklin Pierce

(From Library of Congress, Manuscripts Division.)

Washington D. C. April 4th 1858.

President Pierce,

My dear Sir,

I had the pleasure some days since to receive your very welcome letter of March the second and fifth. It found me suffering under a painful illness which has closely confined me for more than seven weeks, and leaves me at this time quite unable to read or to write, and my wife has kindly undertaken to act as my amanuensis. I am much surprised that you should have received nothing from me, and find in your unshaken confidence under such seeming neglect another assurance of that friendship I so deeply cherish and of which I have received so many proofs. As a means of keeping you regularly advised of public affairs, I have sent regularly through the State Department to your address and to the care of Consul Marsh at Funchal the Globe Newspaper, and these I should have expected at least to reach you though letters should not. This I will send under cover to Consul Campbell at London and though its contents are of little worth, I hope it will reach you to serve at least as a token. Only one of my letters treated of passing events so fully as to repay curiosity of the kind you indicate and that would perhaps more have satisfied, than gratified it, if the secret reader was prying into our confidences for the benefit of our

successors in office. Until the receipt of your last letter I expected you to return to the United States this spring, but I am glad that you have decided otherwise as I hope it will be more beneficial to Mrs. Pierce's health, and more pleasant to you both. Mrs. Davis, and myself have rejoiced much at the reported improvement in Mrs. Pierce's health and strength, and if the session of Congress were now at an end I think we should sail for the south of Europe, and probably see you there. I am advised to take a sea voyage somewhere but I do not feel at liberty to go away during the session of Congress and have not decided definitively upon what we shall do after Congress adjourns except that I will not return home to encounter malarial exposure during the summer, or fall.

I wrote a note to Mr. Toucey requesting leave of absence for Com. Conovan on account of his ill health, and stating that you had written to me expressing much solicitude for his condition, and anxiety in relation to his application for leave. A formal answer was returned stating that the request could not be granted. I never heard of Mr. Fleunt until his name reached me as the appointee of Mr. Buchanan, and I have requested our friend Clay Chairman of the Com. of Commerce to enquire at the state Department whether any application was made by or for Mr. F. during your administration, and if so, what papers are on file, and what endorsements they contain. The nomination has been for some time before the committee, and the President is [The remainder of this letter has been lost]

Jefferson Davis to James Buchanan

(From Pennsylvania Historical Society.)

Washington Apr. 9, 1858.

To the President

Dr Sir—

Sometime before I was taken sick I called upon you by instruction of the Committee of Military Affairs of the Senate in relation to the nomination of three young gentlemen to be Second Lieutenants in the Army but who under the regulations of the Military Academy were ineligible they having been Cadets, & the Class to which they belonged not having been promoted.

Conformably to your request I subsequently called—& not being able to see you I left a copy of the Academic regulations with a reference and marginal mark to call your attention to the paragraphs bearing on the case. The action of the Com-

mittee was suspended to await your decision, & as I am informed it has not been Communicated I hope you will pardon me for reminding you of the matter.

Very respectfully & truly yours

JEFFN: DAVIS

Thomas F. Drayton[1] *to Jefferson Davis*

(From the Library of Congress, Manuscripts Division.)

Charleston 9th Apl. 1858.

Dear Jeff.

I am very sorry to perceive that, your seat in the Senate is still unoccupied, on account of yr. continued ill health.—How you must chafe at being kept from a position where you must feel your presence is so much needed, I can well imagine. Knowing you as I do, I take it for granted that, you both chafe & fret under the combined influences of sickness & inactivity. Those four years of mental labor during the last Administration, have been I fear, a little too much for the physical man. Had you toiled less, you might now have been a stronger Senator. Seek then change of scene, and resolve for a time, to turn away from Politics, Newspapers and Official correspondence. Is this possible? But wd. it not be both wise & expedient? As old Col. Pyatt used to say, "What is the whole world to a man, without health." For my advice, I charge nothing, though in yr. case, I think it would do you good to follow it.

I can speak feelingly on this topic, for no one yearns more for the quiet of home, and a change from the current of thought which has been rolling onward without variety, for the last four years. I am getting fagged out in my efforts to serve a people, who sternly frown down & oppose every thing new, however faultless, useful & beneficial, for no other reason than that, its existence cannot be traced back to their boyhood. They all want to ride, but not to push. They cannot believe that, the creation of an improved public highway is the most valuable

[1] Drayton, Thomas Fenwick, (1807-1891), a soldier, was born in South Carolina in or about 1807; graduated from West Point in the same class as Jefferson Davis, 1828, was 2nd lieutenant of infantry from July 1, 1828, to August 15, 1836, when he resigned from the army. He practiced civil engineering in Charleston, S. C., Louisville, Ky., and Cincinnati, O., and operated his cotton plantation in St. Luke's parish, S. C., 1838-1861; was a member of the South Carolina Senate 1853-1856; and president of the Charleston and Savannah railway 1853-1861. Drayton was a brigadier general in the Confederate army from September 25, 1861, to the fall of the Confederacy. He died in Florence, S. C., February 18, 1891.

gift that can be conferred upon them; for laying aside all reference to social & commercial advantages, they should not forget that, the strongest and most powerful nations, have always been the most *compact!* I am really pained at the apathy and selfsufficiency which oppresses all ranks, and their blindness to the encroachments of the Free States. For if the South is to be able to perpetuate its integrity and independence, it can only be, by a cordial Union of the Slave States, whose interests are identical, and who must stand or fall together. Already in the language of Mr. Ex-Speaker Banks, are we regarded as "a weak, dependent poor relation; a crouching vassal at the feet of the North."

But I will say no more now. Do you take a leave of absence —seek rest & cheerful recreation, in order to get well again? You and I have long been apart. *The day may not be far off when we shall be brought together in the effort to throw back the threatened aggressions of those who assail us, under the idea that the South is weak. But events are crowding upon us in rapid succession, and I do not despair* of seeing the Southern people yet awakening to the necessity of uniting in a more compact alliance, making them *more to be appreciated as friends, —more to be dreaded as foes.*

As to myself, believing that Railways are for the South, the most efficient means, both offensive & defensive, that she can have, I have endeavored to help [?] them w[h]ere most needed. But how much longer I shall persevere, almost *single handed* in my self sacrificing efforts, is a question I am now seriously considering.

I have duties as a father & a master, which no one else can perform for me, and which to my reproach, I apprehend, have been too long overlooked.

This is a long letter that I have indited to a sick friend, who perhaps, might have been better pleased, if I had talked more to him and less of myself. But n'importe,—we have known each other too long to be indifferent to anything that interests the other.

Only get sound & hearty again, and I'll write you a longer letter, by getting a larger sheet of paper.

As always, yr. friend

THOS. F. DRAYTON'

Hon/
Jefferson Davis
Washington City.

[Indorsed: T. Drayton—
friendly]

Jefferson Davis to James Buchanan

(From Pennsylvania Historical Society.)

Washington May 6, 1858.

His Excellency
The President

Presuming it to be the best mode of accommodating the views and wishes of my Correspondent Joseph Francis Esqr.—I take the liberty to enclose his letter for your perusal and beg to remain

With great respect
Yr obt Servt.
JEFFN: DAVIS.

Remarks of Jefferson Davis on bill concerning fishing bounties. May 11, 1858.

Mr. DAVIS. Unfortunately I have not been able to read the Senator's remarks; I only get at them as I listened to them. I thought he put the argument as I stated it; but I am glad to be corrected. I say, then, that if they can establish that this is the best and cheapest way of maintaining a navy, I have no constitutional objection to this mode of appropriating money, though, as a matter of policy, I should say it was an indirect, and therefore an objectionable mode. It is within the power, but still bad policy. But if that be true, then you should include all fishermen; and you must largely increase the number, besides those fishing for cod. Or is it, on the other hand, true that fishing for cod peculiarly trains a seaman? Is it true, as has been drawn from the argument, that they were found on our ships in the war of 1812; that their pursuit drew them there; or is it not referable to the fact that that war was waged with Great Britain, the great maritime Power that owned the banks; that our fishermen were driven off; that their employment was gone; and that, therefore, they were forced into our privateers and ships of war? If the war had been waged with France, then the French fishermen would have been driven off the banks—driven off by the courage and skill of our own fishermen. It was because of the power of the British navy, and because of their proximity to the banks, that our fishermen were driven away; and being driven away, I say they were to be found in our vessels, public and private, that were engaged in armed service.

But I observe that the Senator from Maine, [Mr. HAMLIN,] in his argument, seemed to refer all the naval power of every country, our own included, to their nursery of fishermen. I should wholly dissent from this. That fishing is one of those aquatic occupations that fit a man to go to sea, is true, whatever the character of the fishing may be. That it is to that extent a sort of training for the Navy, is true. But the cases which were cited of Holland and of Spain, are cases which I think are referable to a totally different cause. They had fishermen and they had, to some extent, seamen; but when Holland lost the Dutch East Indies, and when Spain lost the American colonies, their naval power declined, but their fisheries remain still. Why have not the fisheries, if they were the cause of their naval power, maintained it? Why has Great Britain, on the other hand, maintaining her colonies all over the globe, maintained her naval power in the face of every opposition?

Then again, sir, there are other causes. The Greeks and Venetians were great naval Powers, because of their harbors, because the people looked out on the seas. The people of Maine are, because that portion of our coast, more than any other, is indented with deep and fine harbors. The people of Indiana are not so; their State touches at one point on a lake where nature made no harbor, and art has not yet made one. We go to Maine to find seamen, not to Indiana; and it is the result of natural causes, geographical causes. Our own country, I think fortunately, has had no colonial possessions. Early, therefore, she sought to encourage seamanship by fishing bounties and by navigation laws. They are of the same character of class legislation, and to my mind objectionable. They are, I say, unequal, because they are class legislation, not because one portion of the country gets the advantage of them, and another cannot. Though that is the answer which has been made to the argument, I hold it to be no answer at all.

Neither do I admit that the men who live in the neighborhood of these fisheries, and point to their prowess in the war of 1812, have any right to appropriate that glory to themselves. It is mine as an American—mine as much as that of any other man; and, sir, I am sure my friend from Alabama, as little as myself, would wish to detract in any degree from the gallantry and the enterprise and the glory of the Yankee sailors who won so many battles in the war of 1812. As much as those who live nearer to them, do I honor the hardihood, the energy, and courage which have carried them into every sea where there is water enough to float a ship, and have made our emblematic

flag respected and known all over the globe. And, sir, it is the high attributes they have exemplified in so many pursuits where they were not fostered by the hand of the Government, which encourages me to believe that they will stand alone in this as in others, if you put them all on the same general level. Every duty which is imposed as protection, I put on the same footing of class legislation as the fishing bounties—not those duties, however, which are imposed for revenue, so long as the policy of our Government is to collect the money with which the Government is supported, by duties on imports. I think our present system objectionable; I would prefer a radical change; and if that radical change is not to be made, I think a very great variation of duties is due to justice and equality. They should be laid simply for the purpose of revenue, and that should be a mere calculation of revenue, beyond the extent to which the encouragement of certain articles is necessary as a means of national defense. Wherever that is shown, to that extent I am willing to go.

If, then, Mr. President, this is not shown to be the best means of maintaining a Navy, (and I do not think it can be, and I do not think it has been,) I say upon the mere question of policy the proposition falls, and the bill introduced by the Senator from Alabama should be adopted. But it may be asked why, if you say this is not the best means of maintaining a Navy, you do not suggest some other. Very well; I will. Suppose the two hundred and fifty or three hundred thousand dollars a year now paid in bounties were paid to vessels carrying a certain number of apprentices in proportion to their tonnage; suppose every merchantman was offered an inducement for carrying a proportion of apprentices: the boys then that lie around your wharves, the boys that are penniless and homeless and parentless in your great commercial cities, would become apprentices under masters of merchant vessels, and thus you would build up American seamen, step by step, to displace the foreigners who are now found both in the merchant service and in the public vessels. This, I hold, would be a legitimate step; for these foreigners are not only found as the seamen upon your public vessels, but the petty officers of the great armed ships of the United States are, to a great extent, foreigners also, and for the reason that they are educated from their youth to the profession of sailors, and therefore are better competent to perform the duties. But, sir, if an American vessel were engaged in battle, with your guns in the hands of foreigners, what assurance have you that these foreigners might not prove faithless

to the flag to which they were bound by no tie of allegiance? How easy it would be for the captain of a gun to cripple the gun, to overshoot or undershoot the enemy, and thus to render you powerless by the mere action of the men to whom you intrust these small charges that must belong to the deck of every armed vessel.

Nor would it be necessary to pay out this money to the captains and the apprentices. You could manage that readily under your regulations. You could do it by remitting port charges, clearance duties, and entrance duties to merchant ships that carried a certain number of apprentices; and thus, without paying out a dollar, or incurring your expense a single cent more than is now incurred, you could obtain a number of apprentices, who, step by step, would give you American seamen. They would more than supply the places of all your fishermen, if all the fishermen were to be taken from your vessels in any contingency; and they would leave the fishing business to rest, as justly it ought, on its own bottom, and to seek its reward as other pursuits of industry do.

But, sir, it has been further argued that the raising of seamen for the Navy in this way rests upon the same footing as the public schools at West Point or Annapolis. If any one will prove to me that the appropriations made for the Military Academy are made to educate men for the Army, I say away with them; and, on the other hand, I claim of those who urge this argument, that if they see, as they must see if they will examine, that these appropriations are made to educate the warrant officers of the Army, and that it is a mere question of economy and advantage whether they shall be thus educated, or in some other mode; then, I say, they must admit it does not stand at all on the same footing as a bounty paid to persons who owe no obligations to serve the United States.

The cadets in the Military Academy enter into an obligation to serve the United States for a term of years, greatly beyond that in which they are at the Academy—three years longer; and that absorbs a period of eight years in the life of a young man, which carries him so far forward that if he has any military taste the probability is, unless some accident which he cannot foresee happens, that he will die in the service of the United States in the Army. Being a warrant officer of the United States, the question then is, shall you send him to a regiment to be educated, or shall you send him to the Military Academy, where he will receive a regular course of instruction under able professors, and advance rapidly towards the attainment of those

elements which he probably will never acquire serving in a regiment? You must educate your officer somewhere. You must educate him in the regiment or in the Academy. If you educate him in the regiment you must educate him with the pay of a commissioned officer, and you must take a long term of years, because his studies are broken up by constant intervals of duty. If you send him to the Academy you there confine him to his studies; you direct his studies; you furnish him the books; and you lead him on step by step in that regular succession of elementary studies which no man can mark out for himself. I say, then, they are educated in the Army as much as if they were sent to the regiments, there to learn their profession by performing duty, with this great advantage: you compel them to learn elements which, in the other case, they could not do; and you only give them the right to command men when they have learned to obey and know how to exercise the functions of an officer. The Naval School I do not know so much about; but I find myself so far exhausted that I will not enter upon a new topic. I do not know that I should have been tempted to say so much but for the strange propositions, as it strikes me, which have been introduced into the argument.

Remarks of Jefferson Davis on the legislative appropriation bill. May 13, 1858.

Mr. DAVIS. I think the amendment proposed by the committee is better than the section contained in the House bill; but I think the existing law is better than either. I believe there is some misapprehension as to the operation of this right of transfer in the minds of many gentlemen who have spoken upon it. It is now confined by law to a very narrow limit, and in those cases I think it is useful, I might say, necessary, and I will illustrate it by a single example, so as to be as brief as possible. The Quartermaster General estimates for a certain amount for forage; he estimates for a certain amount for transportation. His calculation is based upon the contingencies of the service, as well as he can foresee them, for the coming year. For instance, he supposes a certain amount of transportation will be needed by the public teams, and a certain other amount by contract, and upon that supposition his estimate is made. It turns out in the course of the year, however, that he cannot make contracts, and he is obliged to use the public teams to a greater extent than he anticipated. Then the money appropriated for transportation is in excess, and the money

appropriated for forage is deficient, and if you do not enable him to transfer the money from one head to the other, there would be great practical difficulty in administering the Army. The right of transferring appropriations is very much restricted at the present time, and I know of no instance in which it exists, where I do not think it should remain.

Again, the proposition of the House of Representatives is to make every excess of appropriation a surplus at the end of one year, the practical working of which would be to hasten the expenditure of the appropriation within the year, when a more just economy would lap over into the next year. At present, at the end of two years, an appropriation always lapses and passes to what is called the surplus fund, unless, upon the application of the head of the Department, it be continued on the books of the Treasury, subject to the purposes for which it originally was appropriated. It thus is made a public transaction at the end of two years, and sometimes it will happen, as oftentimes it has happened, that at the end of two years money has not been expended; and an honest man could not have expended it for the purpose for which it was appropriated, and it remains in the Treasury. The head of the Department believes it will be necessary to expend it within the next year; and he asks, therefore, that it shall continue subject to the purposes for which it was appropriated. This is merely diminishing the labor of Congress. It relieves the head of a Department of no responsibility, and gives him no discretionary power which it is not for the interest of the country he should possess.

I know of no instance in which this power has been abused. In the one specially referred to, where money was applied by the Secretary of the Interior to the publication of a work, the appropriation, as my memory serves me, included, as one of its purposes, the preparation of a report; and under that language the office was kept up by the Secretary of the Interior, and the maps finally engraved. Nor can I join in this clamor which seems to prevail at the present moment against all illustrations in a work. When I heard a reference made to that particular report, I turned to the illustrations—I am not able to read the text—and I found but three on which I should have any doubt. They may or may not be useful; I am not able to say; but throw the three out, if you please, as merely ornamental, the rest were absolutely necessary to define the line for posterity. The mere marking of the line on the surface of the earth and setting up monuments along it is but a temporary work. The topography, however, on each side of the line, if it be accurately defined,

and with the report of the survey recorded upon the map, stands forever. The monuments may be taken away; the surface of the country may be changed by settlement and cultivation; but the great topographical features of it remain, and the line can be traced at any future period. Otherwise it is a line traced upon the stars and not upon the earth.

I hope, sir, in the first place, that the section as contained in the House bill will be stricken out; and in the next place, that the provision reported by the Senate committee will not be adopted: but if the question is to be taken on the whole together, I must vote for the amendment as reported.

Mr. HALE. As the honorable Senator from Mississippi has stated that he has never known this power of transfer to be abused, I will not say that it has been; but I want to give a history of it in one case in the Treasury Department, since I have been a member of Congress. Some dozen or more years ago we passed a bill for raising a certain amount of funds by Treasury notes, and it turned out that the Treasurer and the Register charged a cent a piece for signing the notes, which came to some hundreds or thousands of dollars, I do not know which, more or less. Congress were dissatisfied with it. There was a good deal of dissatisfaction expressed in the House of Representatives, and the next time that Congress passed a bill for Treasury notes they inserted an express provision that no part of the money raised by the bill should be appropriated to pay any officer who had a salary for signing these Treasury notes, and they thought they had done the business. Well, sir, the bill passed with this provision in it, that no part of it should be paid to pay these persons for signing the notes; but next year, when the accounts came in, it appeared that the Treasurer and Register had got just exactly the same sum, a cent apiece, notwithstanding this provision in the law. An inquiry was instituted at the Treasury Department to know why it was that these men were paid in the face of this provision of law, and it turned out to be under the transfer power. There was some other appropriation in the Treasury that was not expended; and inasmuch as the bill only prohibited taking any of the money raised by the Treasury notes to pay these officers, the Secretary transferred some other appropriation and paid them. Now, with all deference, I would ask the honorable Senator if he thinks that was a fair and honest exercise of the transfer power?

Mr. DAVIS. I will answer the Senator at once. I know nothing of the case which he cites; I know nothing of it now

beyond what he has stated; but it was not an abuse of the power contained in the law, but a usurpation of power not granted in the law, as he states it. I cannot conceive how any claim of transfer, under the strict limitations of the law, would authorize such a practice as the Senator has described. I know nothing of the facts of the case.

Mr. HALE. I think the Senator does not understand me. The prohibition was, that no portion of the money raised from the Treasury notes should be used to pay the officers of the Treasury; but they went on and signed notes as before, and were paid as before; and when the inquiry was made how they were paid, the only answer was that they were not paid from the fund raised from the notes, but from another fund.

Mr. DAVIS. I understood the Senator perfectly, and my answer was intended to cover his remark—that it was a usurpation of power not authorized by law; and the restriction is to be found, not merely in that appropriation act, but in a dozen laws, spread over a long portion of time. An officer surely cannot draw from the appropriation for one purpose an amount of money to increase his salary, and call that the power of transfer. It is prohibited in various acts in different language.

Mr. JOHNSON, of Arkansas. I did not hear the extent of the remarks made by the Senator from Mississippi in regard to one case in which the transfer power was used—the case of Emory's boundary commission.

Mr. DAVIS. I cited the case of transfer from forage to transportation accounts.

Mr. JOHNSON, of Arkansas. I thought the Senator spoke of the boundary survey.

Mr. DAVIS. The answer that I made on the case of Emory was, that according to my recollection the appropriation act for the boundary survey contained authority for the publication of the report, as well as the running of the boundary line.

Mr. JOHNSON, of Arkansas. Well, sir, in the course of a discussion here in regard to the question of transfer, I took occasion to vote against an amendment embodying this provision as it comes from the House of Representatives, and I shall vote against it again, because I am not disposed to take away from the Treasury entirely the power of transfer; but there is one case in regard to which, after considerable discussion in a committee of which I am a member, there was not a dissenting opinion as to the propriety of its abolition. I allude to the transfer of a fund appropriated by law for the running of the Mexican boundary to the preparation of the report and

printing it after it had been prepared. Congress was afterwards involved in the printing of a concern not complete in itself, and which has brought us now to the printing of a second volume of what is called an appendix, the cost of which must amount to over one hundred thousand dollars, with, I think, two hundred and seventy or two hundred and eighty plates of natural history. All this we are involved in by an act of transfer which I do not believe any proper construction of the law would have authorized.

I should not have alluded to this matter but for the fact that the Senator from Mississippi speaks of a clamor that has been raised upon this subject. Now, if I understand the definition of the word, a clamor is a senseless noise. I do not know of any clamor that has been raised about this matter. I do not think that what has been said is entitled to that designation at the hands of the Senator. He has not been here during the time these discussions were up. I presume that he has read everything that has been said on the subject; and it may sound to him as clamor; and, if he had been here to give us the light of his information, it might have been apparent to us that it was a clamor, and we might have had it in our power to correct our impressions. We knew, however, that these matters had run to very great excess.

The Senator from Mississippi has twice made this remark, or I should not have noticed it. I did not choose to notice it the first time. I do not think any clamor has been raised here; and I must therefore protest against his asserting that there is a clamor upon the subject of illustrations of public works, or upon the extent to which the publication of any of them has gone. Whilst I take the same view that he does of the power of transfer as a general principle that should continue to exist in the Treasury, I must, at the same time, declare that, with reference to the question of commencing the publication of explorations hitherto made, it has been carried to too great an extent, and ought to be abridged and abolished; for I am satisfied it has not been justly exercised.

Mr. DAVIS. The Senator from Arkansas attributes to me the use of the expression to which he alludes, as directed seemingly against the committee of which he is the worthy chairman. The use of the word, whether well or ill selected, was not directed against the committee, certainly not against the chairman. There has been complaint in the Senate which I think unjust, and there has been complaint in the country too, which I think is certainly unjust; and I believe the remarks in

the Senate have given rise to great misapprehensions through the country. In regard to these misapprehensions, I think the censures which might have been attached properly to some works, have been improperly applied to those where the illustrations were generally topographical, such as were necessary to make the boundary stand for posterity. The great mass of illustrations in the report of Emory is composed of topographical sketches, which sketches alone, as I endeavored to explain, could define the line so as to make it permanent. The Senator did not hear my remarks, or he would not have supposed that I urged that question as one of transfer. I did not so consider it. If money has been transferred from the purpose for which it was appropriated, namely: to run and mark the boundary, to prepare the report beyond what was legitimate under the use of that term, to the printing of books outside of the preparation of the report, (which would be confined merely to such printing as might be done cheaper than copying in manuscript, and to such engraving as would be necessary, and which I suppose would be the form in which it reached Congress;) if that be the case, it would not come under the head of a transfer authorized by law; and if the Senator had heard my remarks, he would not have supposed my application to be made to his view in relation to the printing of these books.

But a word more in relation to that report made by an officer in every way worthy as a gentleman and a man of science. In reference to the second volume, which is spoken of as an incomplete one, he desired only the publication of a very small edition. If that very small edition had been published, the great expense to which the Senator from Arkansas has referred would not have been incurred. That volume was not the report of the officer; it was the discussion of those specimens he had brought in, whether of ornithology, entomology, or of the mineralogy of the country. Those reports made by scientific men were afterwards presented to Congress. If Congress ordered a large edition, it is apparent they must have expected to incur a large expense. No large edition of that volume was necessary. It is not popular in its nature. It is only required for learned men and learned societies. They alone will read it. Such a book is composed mostly of illustrations.

It is not fair to say that the expense has been incurred in engraving, for colored engravings of that character multiply the expense each time you repeat them. The expense of mere engraving is soon covered; but every new repetition of a colored engraving increases absolutely the whole expense. They are

thrown into the country; they support the supposition that the Senate is printing picture books; they are but mere picture books except to the learned men; they are picture books to those who cannot examine them with any view to classify them, who merely look at them as beautiful engravings, the more beautiful to them because they are colored, and colored properly only because they thus present the specimens in the true light in which they should be brought to the eye of the naturalist. I think the corrective there would have been the publication of a small number of copies. It was not necessary, because the first volume required a large edition to be thrown into general circulation, that therefore the second, which was purely a scientific volume, should be published upon the same scale.

Jefferson Davis to F. Bostick

(From Mississippi Free Trader, June 7, 1858.)

Washington City, May 14, 1858.

Dear Sir:

It gives me much pleasure to acknowledge the receipt of your letter of the 1st instant, to which, being still unable to write, I must reply by availing myself of the hand of another.

You ask my views as to what the South should do in the event that Kansas should be finally refused admission into the Union under the Lecompton constitution. Your inquiry shows that you had not, at the date of your letter, learned the action which Congress had taken upon the question of the admission of Kansas under the constitution framed at Lecompton.

The questions which agitated the people of Mississippi when I was last among you, were as to the course the Administration would pursue in relation to the action of the convention in Kansas, and whether the Congress would apply to the application of Kansas the dogma of "No more slave States?" Fortunately for us, neither of the issues on which I took position before my fellow-citizens of Mississippi remains now for consideration.

The Executive, so far from opposing obstacles to the admission of Kansas, because the convention had not submitted the constitution formed by it for the ratification of the people by a popular vote, has used all of his influence to promote favorable action by Congress upon the application of the new State; and the Congress, barring all side pretences, and overthrowing all

opposition to the constitution of Kansas, because it recognized the right of property in slaves, have decided to admit Kansas into the Union with the constitution framed at Lecompton; thus, at the same time deciding that the recognition of slavery in the constitution of a new State should not exclude her from admission into the Union, and that the inhabitants of a Territory, when assuming the powers and responsibilities of the people of a State, have a right to regulate their domestic institutions in their own way—framing their fundamental law either by delegates assembled in convention, by the people convened in mass, or by any other mode which to them may seem best.

Appended to the constitution as a condition connected with the application for admission into the Union, the convention of Kansas submitted an ordinance which set up extraordinary and inadmissible claims in relation to the public domain, and demanded exorbitant grants of land for educational, railroad and other purposes. These the Congress refused to recognize as a right or to grant as an endowment, at the same time proposing to the people of Kansas terms which, though more moderate, were quite equal to those which had been granted the most favored State at the date of her admission. The only question, then, which remains is, will the people of Kansas accept the terms proposed by Congress, or not? If they accept the terms, then the action of Congress is complete; the constitution having been already received, approved, and the State admitted under it; and the President of the United States, upon notification of the acceptance of the grants conferred, having been authorized, by proclamation, to announce the fact that Kansas is a State in the Union. If the terms offered by Congress be declined, then Kansas remains a Territory of the United States, and, as provided in the act for her admission, must so remain until she has a population which will entitle her to at least one representative in Congress.

The mode in which the acceptance or rejection of the grants offered by Congress in lieu of those claimed by Kansas should be decided, was specified in the act for admission. This was a mere question of policy or convenience, for nothing can be more clear than that, when the conditions annexed to their application for admission had been changed by the Congress, the people of Kansas were not bound by their proposition and had a right to withdraw it, if they believed it to be so materially affected by the change of the conditions as to render admission into the Union no longer desirable to them.

By the act of admission a Territory becomes an equal in the

sisterhood of States, and those who claim the right of Congress to modify the constitution of a State asking for admission, or to coerce her to enter the Union under terms unacceptable to the community, offend against the doctrine of State rights, and deny the freedom and equality, which are inseparable from the idea of State sovereignty.

The consequences of admitting a State without a recognition precedent of the rights of the United States to the public domain, are, in my opinion, the transfer of the useful, with the eminent domain, to the people of the State thus admitted without reservation.

The bill first passed by the Senate, like that which became a law, covered the two points which, in my opinion, contained all that was important to the South: First the recognition of the right of the people to exercise entire control over the mode in which they would proceed to form their constitution; second, that the recognition of the right to hold slaves should not be a barrier to the admission of a new State into the Union. As a question of preference between the bill of the Senate, which failed in the House, and that of the Committee of Conference, which became a law, my judgment is in favor of the latter, because it distinctly preserves the rights of the United States, and does not attempt to construe, or seemingly to suggest any modification of the constitution, or to offer any justification for having admitted the State but leaves it to stand as the simple recognition of the right of the people—they having formed a constitution republican in its character—to be admitted into the Union.

The importance which I attached to the success of the measure, and my willingness to incur any responsibility which attached to a participation in it, may be inferred from the fact that though an invalid, whose condition rendered it less than prudent that he should leave his chamber, I went to the Senate for two days in succession, that I might have an opportunity to vote for the bill. Its passage, was then and is now, regarded by me as the triumph of all for which we contended and the success of a great constitutional principle, the recognition of which, though it should bear no present fruit to be gathered by the South, was an object worthy of a struggle, and may redound to our future advantage. By the same means the country was relieved from an issue which, had it been presented as threatened, our honor, our safety, our respect for our ancestors, and our regard for our posterity would have required the South to meet, at whatever sacrifice.

I have thus thrown out rather hints that complied with your request to give my views fully, which you will please attribute to the physical embarrassment under which I reply.

Very respectfully and truly, yours &c.,

JEFF'N DAVIS.

F. Bostick, Esq., Yazoo City, Mississippi.

Remarks of Jefferson Davis on the Texas Boundary Bill. May 19, 1858.

Mr. DAVIS. The provisoes seemed to me objectionable. I therefore asked an explanation; and not being satisfied with it, will proceed to state my objections. It will be recollected that when Texas was annexed to this Union as an independent Power of the earth, she surrendered to the Government of the United States the right to establish her boundary. The Government of the United States has so established that boundary as to strip from Texas an immense domain. In 1850, under influences to which I shall not now refer, $10,000,000 were paid to Texas to allow her territory to be carved down to its present limits, as defined in this bill; and it was hardly to be supposed that thus shorn of her fair proportion, she was at some subsequent day to be called upon for the benefit of the United States to define the line.

Mr. COLLAMER. Will the gentleman indulge me a moment? Texas has appointed her own surveyors and commissioners, and asks us to run the line; and this provision is, that all the expenses, except for the surveyors and others whom she appoints to represent her, shall be paid by the United States.

Mr. DAVIS. If that was the only object, the language does not express it, but treats it as if Texas were to send a corps into the field to establish the line and act equally with the United States. If the commissioner be the only person required to represent Texas, I think it would have been better expressed by the word "commissioner," instead of "person or persons."

That, however, is minor to the objection I have to the second proviso. The great expense of running this line consists in the outfit. You must send trains of supplies, wagons to haul your monuments, and this at a great distance, and over a country entirely destitute of supplies, which constitute the bulk of the expense. To add, then, to this corps of astronomers making observations to determine the latitude and longtitude, and laborers to set up the monuments, a few men who can examine the

character of the country, and bring back specimens, would but little increase the expense, unless Congress afterwards, in its desire to distribute books, should make a large expenditure of money for the preparation and publication of books written by learned men, to whom should be submitted the observations and specimens which might be brought in.

But that is not the point to which I expected to get an answer. How is this line to be made permanent? By setting up monuments of stone, of wood, or of iron? No. You have the line now traced in the stars. You propose to project it upon the face of the earth. I ask how is it to be made permanent? It is only to be made permanent by sending the necessary topographers with your party to sketch the ground on each side of it. That indication of the time stands forever. The monuments may be removed by any one who is willful or mischievous. The topographical sketch of each side of the line is the only way it can be defined on the face of the earth, and made to stand for future uses. These topographical sketches, engraved and published with the report, would give it to the world. This is necessary to make the line permanent, and thus you are secure against the contingency of the destruction of the original map.

I go further, and say that, having incurred the great expenditures of the expedition in its outfit, I would send along with it men who could take the very observations to which the Senator from Vermont alluded; observations of the soil, of geological structure, of entomology, of the botany and natural history of the country; and men who could engage in that much-decried occupation, sometimes called here looking after bugs; and in this region the inquiry would be of special value. From the time of the Israelitish exodus, it is a part of human history that all arid regions are subject to have their crops entirely destroyed at times by insects. It has been the case in the valley of Utah. Insects are now ravaging the fields of Texas. This is such a country; and an examination into the entomological character of this region is necessary to the people to warn them of what they have to meet if they migrate to that section. It is information such as the great landholder should give to those whom he invites to purchase. The publication of so many copies as would be useful for naturalists and learned societies, would be but a small expense; but if you should never publish it at all, the information being deposited in one of the Executive Departments, would exist as a source from which authors might derive knowledge, which, distributed through the channels of publication on private account, would be a useful contribution to man-

kind; and the Government then has incurred only the expense of adding a few individuals to the party.

Mr. HENDERSON. My objection to the proposition of the Senator from Mississippi is, that it will cause delay. It is of importance that this commission, on the part of the United States, should be appointed at once. Texas has for several years had statutes authorizing the Governor of that State to appoint a commissioner, to meet one on the part of the United States, to run this line. The season of the year for such work is at hand. The parties should be starting out now, for they have to go through a country which is entirely uninhabited, and they must depend upon the grass for the subsistence of their animals, and unless they start very soon this season will be entirely lost. Moreover, I am informed that lands are being surveyed about where this line is to run, and unless it be established very soon, confusion will be created by extending the surveys in Texas beyond the real boundary line; the system there being for each settler to select his own location and run out his line. I am told that difficulties even now exist there, because this line has not been established. It is important that the bill should be acted on at once, and I do not think the object which would be accomplished by carrying out the views of the Senator from Mississippi is of such consequence as to justify us in occasioning the delay which it seems to me will be caused, if an attempt be made to amend the bill by adding a provision for the number of scientific persons whom he indicates as proper to accompany this commission. I therefore hope he will not insist on this proposition, but will allow the bill to pass as it is. I should have no objection to his proposition if I did not suppose it would cause delay.

Mr. DAVIS. That portion of the work which consists in running the line of a parallel of latitude, involves a difficulty which allows but very slow progress. It is easy to mark a parallel of latitude on the map, but it is very hard to trace it on the face of the earth; it is impossible to run in the plane of a small circle of the globe, and the series of triangles which are constructed in fixing the points of a parallel of latitude involves so much of labor and delay, that necessarily the progross is slow. The topographers would sketch the land on each side much faster than you would advance in determining the line. At points where a change of direction occurs, and at all others where it is necessary to determine the longtitude with exactness, a series of observations must be made, involving a detention which would give the topographers ample time (if they had chanced to fall behind) to bring up their sketches of so much of

the ground upon each side of the line as would be necessary to its accurate description. Should its exact location at any time become a question, it would be easily found, without further astronomical observations, and though there should not remain one of the artificial monuments which had been erected.

Mr. HENDERSON. Allow me to say that I had no reference to a delay in the execution of the duties of the survey, but to the delay that would be caused in the passage of the bill.

Mr. DAVIS. I have no further remarks to make, and no wish in any manner to delay the passage of the bill.

Mr. HOUSTON. I had thought that on the amendment offered by the honorable Senator from Illinois being presented, the bill would pass without difficulty. I called on the gentlemen of the Territorial Committee, and I understood there would be no obstruction in the way of the passage of the bill. I think, if the amendment of that committee be adopted, the measure will be complete, and nothing further would seem to be necessary. I conferred with my colleagues in the House of Representatives, where this bill originated; my senatorial colleague was absent when I last had an interview with them; but I could have no doubt that, in their opinion, this was the best plan that could be suggested, and only required the additional nomination of a commissioner to supervise the whole campaign.

I can see no necessity for any further provision: that would only accumulate expense without any correspondent advantage. The exact place where the line runs will be ascertained at the different points and angles where observations are taken, and mounds will be erected at those points, and such artificial corners as will be endurable and will not perish. I am sure that so soon as a surveyor has been on the ground, and marked the boundary line, there will be no topographical surveys required to give the settlers on either side of the line intelligence as to their rights. I can see no necessity for such a provision; and I most solemnly protest against this aggregating of offices in so little a matter. There are now many applicants for the crumbs that are thrown out—one hundred for every office that is to be given—and unless we have some more expeditious plan of running our boundaries than we have had heretofore, we had better have none hereafter. Why, sir, the boundary commission, under the treaty of Guadalupe Hidalgo, exhausted hundreds and thousands of dollars, and resulted in nothing but an additional expense for the books and bugs of which the Senator from Mississippi [Mr. BROWN] has told us. It seems to be the supreme object of ambition of the persons who are engaged in such works to get their names

before the public. Sir, the catching of a single bug of rare quality immortalizes a scientific gentleman, and a lizard is double immortality; and so too of a horned frog. [Laughter.] These are wonderful things to expend millions upon! Scientific men, if you get them started, must have something to do; they cannot come back with rational observations, but they must come back with something marvelous and wonderful to connect with their names. Let scientific gentlemen be satisfied with their sciences, acting in their appropriate spheres; but I protest most solemnly against anything that will delay the running of this line.

Texas has, for years past, earnestly desired its consummation. She is aware of the difficulty, and we are aware of it too, in Congress, notified in our official character that there is a conflict now between land titles on the boundary of New Mexico and Texas. We hear individuals complaining of detriment in consequence of it; and these difficulties will be multiplied by every delay. If you wait until midsummer before you commence this important work, we shall find that it will linger on till autumn; and then they will have to leave there, and make a second campaign; and instead of the reasonable amount of $80,000 provided in the bill—and $40,000 ought to accomplish it—it will take $140,000 if it is not adopted immediately, and the work set about and accomplished so soon as practicable. If you send men to make scientific discoveries and write books to the number of forty or fifty, who can read those books? A man who is industrious, or intends to make an honest living, has no chance to do it. You are throwing impediments in the way of industry when you are creating these books. You create a morbid appetite in children for pretty pictures. They will not learn their alphabets. [Laughter.] I will have none of it.

Mr. DAVIS. I will say to the Senator that, if he had concurred in my proposition, and had not agreed to the amendment proposed to be made to the House bill, he would have avoided all delay which his own opposition is creating. He urges that to reject the amendment will be to delay until midsummer the commencement of the work, and overlooks the fact that he is now delaying the adoption of this bill which the House has sent here, by urging that the amendment which has been proposed to it shall be adopted. My proposition to strike off the amendment, is to expedite the enactment of a law under which this survey is to commence. Though it might take the Senator long to read the number of volumes he has described, and longer to print them, I am sure that will not delay or impede the prosecu-

tion of the survey in the field. These books are not written by the persons who go into the field, except, perhaps in a single case, the one to which he referred, where a commissioner, who went out to run the boundary under the treaty of Guadalupe Hidalgo, brought back specimens and drawings made by public employés, and wrote a book himself. But the general rule is, that the specimens are brought back and pass into the hands of scientific persons who write the books. The explorers are not usually persons who do anything more than make a mere report.

So far as the Army is concerned, as some allusion has been made to the length of time officers stay here to make reports, I will state they sometimes have made a second exploration before the order to print has been executed by your Printers here, and it is the specimens they bring in which pass into the hands of the learned, and which swell the large amount of books for which neither the officer, nor the Department having charge of the work, is responsible. They are authorized by Congress. They are made by the *savan.* They are printed by Congress; and, good, bad, or indifferent, the Senator has the responsibility on himself for printing the books.

Remarks of Jefferson Davis on river and harbor bill, May 24, 1858.

Mr. DAVIS. I wish merely to make a statement without entering into an argument on this question. About twelve years ago this work was commenced. Then the Chicago creek or river, if I should so dignify it as to call it a river, had a bar at its mouth, over which sometimes you could scarcely drag an ordinary yawl. By constant expenditure they have made an entrance to what is termed the harbor of Chicago. At the time the work was commenced, its friends argued that it was necessary for a harbor of refuge. That was the argument then. I endeavored to expose it when the honorable Senator from Illinois and myself were members of the other House. The only storms which would make a vessel on the lake require a harbor of refuge, were such as rendered it impossible she should go into Chicago; the wind would take her beyond that. It is also true that the same wind bearing the driftings of the lake, would form a bar which would continue to expand until that bar was run across the river. It was a constant formation, and would extend to the extension of the piers. The Senator may very well say, therefore, that the work would never be complete,

At the time this work was commenced, and I think for reasons which did not hold in the case, there was a small village at the mouth of the creek of Chicago. Now a great city has grown—grown under the expenditure of the Government, making a harbor where nature had made none, and rendering labor profitable at the place, by the heavy expenditure the Government has been annually making. This city has now reached a size which should render it self-sustaining. I will concur with the proposition of the Senator, if he will strip it of all which is outside of the naked proposition, to turn over all the works at Chicago to the city—the works which the Government has constructed, and which have converted a little village on the lake shore into a great commercial city. Let them now be turned over to the commercial city. They have wealth enough to sustain them; they have interest enough to keep the works in repair, and replace them when they decay; and the fact that the Government has sustained them until they have reached decay, and sustained them with such great advantage to the population there, and thereabouts, I think would justify us now in turning the works over to the city, and letting them take care of them themselves.

Mr. DOUGLAS. It would not be sufficient to turn the work over to the city, unless you gave us power to levy tonnage duties upon vessels coming into the harbor. It is that right we want, when the work is turned over to us—the right to levy on the commerce coming in the expense of constructing and keeping the harbor in repair; but that right I have never been able to procure from the Congress of the United States, although I have asked for it several times. When that shall have been granted, it will be fully satisfactory to me. As a citizen and property-owner in Chicago, I believe that would be better for the city, although it is very probable that a large portion of the citizens think otherwise. That question is not now pending; the only point is, whether we shall preserve from destruction what has been done? This appropriation is not a question of extending or enlarging the harbor at all.

Mr. DAVIS. It is an appropriation to preserve the work, and that appropriation, as the Senator properly says, is to continue forever, to make repairs or to extend the work; but he says he is not willing to accept the work as a donation to the city of Chicago, though that city has grown up upon the work, unless we also give them the power to lay tonnage duties. That involves a very wide consideration; one into which I am not now able to enter, or I would gladly meet the Senator's proposition. I will, however, on this occasion, merely say that if, by tonnage

duties, he means duties on the tonnage of foreign vessels, I have no objection; but if he means to lay tonnage duties upon vessels clearing from some port of the United States, and bound for this or other ports of the United States, then the Constitution stands in his way—a barrier which he cannot overcome.

Mr. DOUGLAS. I will not argue the constitutional question now. If the Senator is right in that, he destroys the only remedy I have been able to devise for these appropriations by the Federal Government. I believe he is wrong on the constitutional point; and I say it with great respect to him, because it is not often on a constitutional question that I would express the opinion that he is wrong. However, I will not go into that question now. I will only add that I do not think the city of Chicago has been built up by these appropriations. We have many individuals there who each year expend four times as much money as the Government spends, on their own private account, in building up the city of Chicago.

Mr. DAVIS. I ask if the city would ever have been built up, if a harbor had not been made there by the Government?

Mr. DOUGLAS. I think the city would have been built up. I believe, if the Government had never touched our lake harbors, but recognized our right to make our own and levy a reasonable tax for them, the lake cities would have been larger than they now are; but I either want the right to do it ourselves and tax for it, or else you must do it. Either allow us to do it, or do it yourselves. But a city must necessarily have grown up there, whether the Government aided it or threw obstacles in the way. Nature had marked it out. A great town was to have grown there, or in the immediate vicinity.

Mr. GWIN. Twenty-three bills have been reported here for the purpose of keeping in repair harbors on the Atlantic coast and on the lakes—none for the Pacific. We had an appropriation, many years ago, of $30,000 to preserve and protect the harbor of San Diego. Twenty thousand dollars more would, probably, complete that work; but I find here that it is left out entirely in this list of bills. That is a more important work than any which has been proposed here, so far as the protection of an important harbor is concerned. I do not know what induced this partial legislation on the subject. Not a dollar, except that amount of $30,000 has ever been appropriated to rivers and harbors on the Pacific coast, nearly two thousand miles in extent. I think if we are going to take up one bill here and another there because it has strength to get votes, we had better make a system of this matter or lay them all over. I am

opposed to this favoritism, taking up this point or that, because it has political strength to pass it through the Senate.

Mr. STUART. I wish to say to the friends of these measures, that if they mean to pass them at all, those gentlemen who are in favor of them must not debate them. Now, if we take as much time on each bill as the Senator from Illinois has taken on the Chicago bill, they will not get through this session. I say there is no constitutional authority to levy tonnage duties; on that point I agree with the Senator from Mississippi; but there is no use in bringing in these collateral questions. I hope the friends of the measures will be content with voting. So far as the Senator from California is concerned, I believe he did not vote to take them up.

Mr. DOUGLAS. If many other friends of these measures raise constitutional questions I shall be compelled to go into the argument. I trust my friend will not raise any constitutional question.

Mr. STUART. I have not raised any constitutional question at all. The constitutional question was raised by the Senator from Mississippi; but I say again, that if these measures are to be passed, I simply ask their friends to content themselves with voting.

Mr. TOOMBS. I have so often expressed my opinion against the constitutionality and expediency of this system called internal improvements, that I do not intend to say anything now but for a point which, I think, was, upon a former occasion, started by the Senator from Michigan, and which the Senator from Mississippi has, I think, very unwittingly dropped into. I think, by a simple reading of the Constitution, he will find that there is no such distinction as he takes between foreign and domestic vessels, and there is no soundness at all in the argument of the Senator from Michigan, who holds the doctrine wider than the Senator from Mississippi. There is an express authority in the Constitution for tonnage duties to be levied by the States by the consent of Congress, and one of the great objects of the Constitution was to prevent there being a preference given to the ports of one State over those of another State. I am quite sure the attention of the Senator from Mississippi has not been called to one clause of the Constitution, or he would not have made the distinction he supposed to exist between foreign and domestic vessels.

Mr. DAVIS. The Senator from Georgia has entirely misapprehended my design. The clause to which I referred is one of those clauses which mark the great purpose of the Union: to

establish free trade between the States, and which declares—I cannot quote the language—that no State shall be bound to pay duties in the ports of another State.

Mr. TOOMBS. I have it before me, and I think the Senator will find that he is entirely mistaken in his distinction. This power is, in my judgment, unquestioned and unquestionable. It has been exercised occasionally since the foundation of the Government. It was granted to Georgia for some thirty years; it was granted to Maryland. It has been granted, I think, to all the States that have asked for it. I am not aware of any application of the Senator from Illinois.

Mr. DOUGLAS. It has been granted to Maryland, Georgia, Alabama, Virginia, Pennsylvania, Massachusetts, and to other States.

Mr. TOOMBS. I never knew it refused.

Mr. DAVIS. That has always been in general terms, but the exact question, I think, has never been decided.

Mr. TOOMBS. I am quite certain it is not only constitutional, but eminently just. The clause of the Constitution to which the Senator from Mississippi refers is this:

"No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another."

Mr. DAVIS. That is the clause.

Mr. DAVIS. I shall be very brief. I do not comprehend the point to which the Senator from Georgia referred, about reports for the improvement of the Mississippi. I do not know to what report he refers; but upon them he seemed to give a most unqualified judgment against the topographic corps.

Mr. TOOMBS. I made no reference to any reports, but took the North river and Mississippi river as two of the rivers furnishing the finest navigation, and I said you had spent money to improve them. I did not allude to any report whatever.

Mr. DAVIS. I will merely say, in relation to the topographical officer, that he has nothing to do with the political question; his is the physical problem. On that he makes a report and leaves others to decide whatever political relation it may have. As to the Mississippi river, below St. Louis, where the great commerce exists, no improvement has been attempted by any construction whatever, until a recent one, under an appropriation made for clearing out the bar at the mouth of the river. All that was required in that deep stream was to take out the

snags; and very little money has been expended for that. It is many years, fourteen, I am not sure that it is not fifteen years ago, before I entered either House of Congress, that I urged then, as the proper policy, that we should resist all internal improvements by the Federal Government, and claim the taxes upon the navigators of our river, as a means from which it should be improved.

Nor is this a new opinion I entertain in relation to tonnage duties; but in the argument it is presented that unless we give the power to lay tonnage duties, we deprive the people of the power to tax themselves. It seems to me that is not the proposition. It is merely an argument that the Constitution has deprived them of the power to tax other citizens of the United States for coming into a harbor of the United States. It is not taxing themselves, it is taxing others. The restriction in the Constitution as I construe it, that no State shall impose tonnage duties without the consent of Congress, is one which involves very little hazard, those tonnage duties being on foreign commerce. It would follow that no port of the United States or the people residing in it would willingly lay a tax which would be a burden upon their own commerce, or in other words, a tax upon themselves, and would influence them unfavorably in every possible aspect if they levied a tax beyond their extreme necessity. Not so, however, in relation to internal trade. Take the case to which the Senator alludes, Savannah. If Savannah desired, to the injury of Charleston, to lay tonnage duties; if she chose to impose a tax upon vessels sailing from Charleston, bound to Savannah, for the injury of Charleston, she might bear the tax at Savannah, because of the effect it would have upon a rival town.

Then it is found in the Constitution that one clause precedes the other: first there is the great declaration that no vessel bound to and from ports of the Unites States shall pay any duty whatever. It will be remembered that at that period of our existence the transportation was by sea. We did not then use these great rivers, at least very little the North river, and not at all the Mississippi; our population did not even extend into the territory which is watered. Steam had not been brought to propelling vessels, without which the Mississippi never could have been used as it now is. Railroads had not been constructed. Commerce was transmitted along the sea. Commercial cities rose along the sea. The country was the dependent of the sea in all matters of commerce. Then to exempt a vessel coming from one State to another from any duty, was to make free-trade

between the States; and that was one of the objects of the Union, one of those things which resulted from the fraternal feeling growing out of the revolutionary struggle.

Then the Senator from Georgia argues that the power given to a State to impose tonnage duties with the consent of Congress, meant duties upon all vessels which came into her ports. Just before that lies the prohibition, the protection, if you please, the great shield thrown over free trade between the States. It could have been but an admission that the State could impose any duty which Congress itself could impose. I deny that Congress has the power to impose by any law a duty upon a vessel clearing from one port to another in the United States. Free trade is at the bottom of the Constitution, and this is a violation of free trade. As well, in the present time, when the power exists, might we impose duties on goods brought on railroads across the line of one State; but the prohibition in the first instance covers the grant in the second. I do not attach to it the importance the Senator from Georgia does. It is a term that has a technical application. But take the case in point, the case which is now before us of Chicago. It had no harbor by nature. There were no navigable waters there—not navigable for sea-going vessels. If, then, Chicago chose to take these works by the grant of the United States, to continue the basis by constant dredging—it is a basin of the city, not the navigable water of the world—nothing save the reservation in relation to the navigation of all the streams in that country would intervene; they would have a perfect right to impose any duty they pleased on a vessel coming into the basin. That would be an artificial harbor, not a port in which they would have such a right under any international law.

Then further, you may avoid the words tonnage duty altogether; and the Senator has not given us what are the difficulties we encounter in the improvements of the Mississippi. He has applied to the Mississippi arguments that would belong to the sea and ports of the sea, but which do not belong to the navigation of that river. I would ask how he would collect tonnage duties on a vessel clearing from one port to another, and apply it to the Mississippi river? The vessel is not bound to start from any particular landing; she is not bound to stop at any particular landing. She may start below the landing at St. Louis; she may land above the landing at New Orleans. Then she would be free from any tax, exempt from the tonnage duties levied upon her because she had run from St. Louis to New Orleans.

Again, they run unequal distances over unequal parts of the river. There are no ports, there are landings along the highways, and they have a constitutional right to use them. Yet the local authorities clearly have a right to impose a tax on them, if they land at a wharf, an artificial construction, and use it for the deposit of freight. A great variety of taxes may be imposed on river-going boats, but none of them belong to the idea of tonnage duty. It would be unjust to levy a tax, in the form of tonnage duties, on vessels sailing from one port to another, when all the benefit derived, all the benefit conferred, is in the port; whereas here the benefit is strong over the whole line of travel from St. Louis to New Orleans. You take an obstruction out of the river; it is not entering into the port of New Orleans.

It would rather be a sort of toll. We should have to erect toll-gates all along the river; and I would ask the Senator—here is another constitutional question—could you erect toll-gates along the Mississippi? Could you require boats to land and pay toll for the free navigation of that constitutional highway? If not, then, I say, you are driven at last to resort to the taxes which may be imposed at the landing, and on that mighty stream with its mighty commerce, these taxes, though so small as scarcely to be felt, would create a fund quite adequate fo the very few improvements which the river requires. Before I entered Congress, and since, I have been an advocate of resorting to some mode of taxation which would throw upon the locality benefited the burden of the work. Upon a select committee with the Senator from Illinois, when a member of this body on a former occasion, the subject was fully discussed. After he introduced his proposition, I thought he had departed from the position which we had occupied on that select committee, and that he had involved himself in a constitutional difficulty. I think so now.

Mr. BENJAMIN. Will the Senator permit me a question?

Mr. DAVIS. Certainly.

Mr. BENJAMIN. I am following the argument of the Senator with a view to make its application. For instance to the improvement of the mouths of the Mississippi river. I would inquire how he would apply his theory to the improvement of the bar at the mouth of that river? How would he lay his tax?

Mr. DAVIS. Upon foreign vessels.

Mr. BENJAMIN. He would have the State of Louisiana tax tonnage on foreign vessels?

Mr. DAVIS. Exactly.

Mr. BENJAMIN. I merely wished to understand the Senator.

Mr. DAVIS. I will also say that that is a tax which may be safely trusted to the local authorities because it is a tax they would never impose in any onerous degree. Their object would be to reduce it to the very lowest point to encourage vessels to come into their port and I think that is the true limitation contained in the clauses of the Constitution when they are taken together It was a wise prohibition to prevent duties on vessels passing from one port in the United States to another. Otherwise, it might be, from rival interests, it might be from rival feelings which I am sorry to say have been developed to an extent that could hardly have been contemplated by the framers of the Constitution, duties might be levied to exclude vessels coming from a particular port, and under the name of tonnage duties they would be made prohibitory. It is turning over a power to destroy what I consider one of the most beautiful features in our Government—free-trade between the States.

The light-houses are also brought in. That is only a part of the same general thing. These light-houses are not built for foreign commerce. If they had been built for foreign commerce, you ought not to have had one fifth the number. You have multiplied them until they are really an embarrassment to the sea-going vessel. As she approaches your coast she is at a loss to know what the light means. You have multiplied them for the coastwise trade. They are free, because you impose no tax upon the coastwise trade. We have fostered coast navigation under the same theory which the Senator from Alabama so recently overturned in relation to the bounties on fishing vessels; but I refer to it now because it is a case in point. We lay no tax upon the use of those lights, no lightage tax; but it belongs to our theory of fostering the coastwise trade and making it as free as possible, between the different ports of the United States. I think that is a distinction which is to be drawn in relation to the light-houses.

Mr. DAVIS. I have listened to the Senator from Georgia, with attention and interest. He has sustained his construction of the particular clause in relation to vessels clearing from one port to another with his usual ability, and with an array of authority which I will not gainsay. So far, then, from continuing the argument with him on that point, I admit that he has sustained his construction of that clause of the Constitution. I think, however, when he assumes that the clause admits of no other construction, is capable of no extension, applicable to no

other case, he assumes more than the authority he has read authorizes. Every remark he read in the discussion of this clause of the Constitution clearly referred to other than domestic tonnage; and if he will follow his examinations still further, to the first discussion which arose in Congress, in 1790 I think, he will there find that Mr. Madison, in introducing a proposition, attempted to establish a scale of tonnage duties, and that that scale of tonnage duties looked to the purpose of building up American shipping by relieving it of the burden which foreign ships should bear; and that, even when navigating the ocean, coming from a foreign port to a port of the United States, the purpose was declared to be to discriminate in favor of American ships, or ships owned wholly or in part by American citizens, and against those which were termed foreign bottoms.

But, whether I be correct in that or not, I think the other clause of the Constitution to which he passes to sustain his position, is one on which I can make a satisfactory answer. He says it is necessary to resort to that clause of the Constitution which declares that the States shall not, without the consent of Congress, lay tonnage duties; and he infers from the language there employed that the States were to lay tonnage duties on whatsoever they pleased. I think, spread broadcast over the whole Constitution, is the great principle of free trade between the States. As I recollect the language of Mr. Franklin, he said the trade between the States should be as free as that between the counties of England. It was the spirit which moved the convention that framed the Constitution and entered into the State conventions by whom it was ratified. In the same section, and in the paragraph next preceding, my friend from Georgia will find in the Constitution lying before him, it is provided that no State, without the consent of Congress, shall lay any duty upon imports or exports, except so far as to execute their inspection laws; and that, if the consent is given, the net proceeds shall be paid into the Treasury of the United States. Then follows the provision that no State shall enter into any contract or alliance, or shall keep armies, or shall lay duties on tonnage except with the consent of Congress; the difference between the two clauses being only that, in the first, the excess of duty is to be paid into the Treasury; and in the second, no provision is made for any excess whatever; and under the very obvious understanding which the Senator has presented, that it was the interest of every port to lay the tonnage duties as low as possible, and no excess was to be anticipated. The power, however, is the same. Now, would it be contended by any one

—surely not by a free-trader, not by one whose principles are those of free trade, like the Senator from Georgia—that the first clause gives to a State, with the consent of Congress, the power to lay duties upon imports and exports from another State of the Union? And yet the power is as broad, and is conferred in language almost exactly the same with that which gives them the right to lay duties on tonnage.

It would be unfair to the argument if I omitted to say that the discussion to which I referred to sustain my opinion, was on a bill which did impose some duties on the coastwise trade. My memory does not serve me, and I am not able at this time to pursue the investigation so far as to learn whether the word "coastwise," in that connection, was used as we use it now, to refer to the navigation pursued from one port of the United States to another. I will grant that it did; and if so, then they departed from what I think was the principle that appeared to prevail in all the debates preceding it, by establishing a very small amount of duty upon American tonnage—so small as to sustain the argument under which it was made—to pay the light tax to which the Senator from Georgia referred. In all the discussion, I think the tonnage duty which was in the mind of the convention, and of the Congress which succeeded it, referred to tonnage engaged in foreign trade; and so strongly was this presented by Mr. Jackson, of Georgia, the cotemporary of Mr. Madison, that in counting the amount which was to be received from Georgia from tonnage duties, he excluded American tonnage altogether.

If, then, I am correct, that the power to lay tonnage duties, and the power to lay duties on imports and exports, be exactly the same, so far as a State can exercise it, I think I am sustained in my first proposition, that it was a power not to be exercised against ships belonging to our fellow-countrymen in the United States. Before the Union was formed, tonnage duties were imposed for the purpose of improving harbors, and especially for the establishment of lights. It was continued afterwards for a long time. I do not find anywhere conclusive evidence that it was the intent that they should be imposed, even for that purpose, upon our own shipping; but if I grant all this, (and I do not wish to enter into an argument on a collateral question which really has little or no connection with that before us,) then I ask you how will the tonnage duties be levied on boats navigating rivers; and how will they be collected on those vessels? Tonnage duties, as understood by the framers of the Constitution, and the men who executed it for a long time after,

meant duties laid on vessels coming into ports. They were local duties; duties for the improvement of the port, and for the convenience of the vessel which entered the port. Now, sir, when a vessel arrives at New Orleans, will you levy a duty for coming into the port of New Orleans—constructively a port, but in fact a landing made by the hand of nature, and but slightly improved by art? Clearly, that is not the tax you want. That you already impose under the municipal authority in wharfage tax. You want a tax for the improvement of the river itself; a toll tax, such as we pay on a highway. That is the only tax which would avail anything. The Senator properly describes the vast commerce of that river, and the very light burden which would necessarily be imposed; but I ask again if you are going to impose a duty or tax in any form, for the improvement of the river, how will you collect it in the form of a tonnage duty at a port, as the Senator proposes?

Mr. TOOMBS. There is no sort of difficulty in levying the duty at the port of departure or the port of entry. If the power to levy tonnage duties were granted by Congress to all the States on the line of that commerce to tax on tonnage a quarter of a dollar a ton, if you please, as was done in the State of Georgia, the fund might go into the hands of commissioners for improvement. It is one of the simplest operations in the world. Where the river is all in one State, grant it to the State. Where it is in different States, the act ought to specify the different ports at which they would stop. I see not the least difficulty in it at all; no more than in regard to the foreign trade.

Mr. DAVIS. The Senator perhaps finds no difficulty in the comparison he makes. But the Mississippi, as a physical and political problem, presents a vast difficulty, and one which might very well confuse the great intellect of South Carolina. A boat starting from St. Louis, and bound for New Orleans, has a long line of river, the improvement of which is essential to her benefit. Every improvement made upon that whole line of river inures to her advantage in navigating. A tonnage duty collected at New Orleans is the same on that vessel as on one that runs from some landing fifty miles above. Would this be equitable or reasonable? For many miles above, more than fifty, you want nothing for the river; nature has dug it out wide and deep, and there are no snags and no bars to interfere with the navigation. Then you would impose by your tonnage duty the same tax upon this vessel running fifty miles over a river where art could do nothing, that you would impose on another vessel running the

extreme distance of the whole navigation of that long river Upon the theory of the equal distribution of taxation which the Senator has argued, he must see that this would be entirely unjust. Vessels that plow the ocean, when they come into a port and pay port charges, may pay alike, because all the advantage they derive from any artificial improvement is in the port. Here the advantages are not in the port; they are along the whole line of travel. You would have to erect something corresponding to toll-gates if you assimilated it to a road; you would have to collect your taxes from point to point, according to the distance over which the boat had passed—not to lay a tonnage duty in a port to which the boat might be bound, remote or near, as the case might be.

That rivalry of ports to which I referred, was a rivalry growing out of some ill feeling, some jealousy between two places. I selected two in the section to which the Senator and myself belong, because there it would be merely commercial rivalry. He will not fail to perceive—it is not necessary for me to state a case—that rivalry of a much more bitter kind might exist between ports in different sections of the Union, and duties might be imposed for vexatious purposes. I took two ports where I would avoid that question. I did it intentionally; and it is only necessary to suggest it to the Senator's mind, and he will see to what consequences it might run.

The light-house system, as pursued by the United States, is certainly a very liberal one. We make our lights free to foreign and domestic commerce. It imposes a tax, as has been very well described, upon all the people of the United States, because these light-houses are built and supported out of the Treasury of the United States. To change that immediately to a local tax is a question involving so many points for consideration, so many difficulties, that I am not willing to touch it so rudely and hastily as to decide at once that the whole system should be changed. Modifications of it, I think, might well be made. Perhaps it may be possible progressively to reach the point to which the Senator would have us go; but it would be quite unequal to the State of Georgia, to take the case of his own State, after the light-house system is almost perfected in another quarter of the Union, to say that light-houses should now be built on the coast of Georgia, at her own expense. Something of modification may be introduced, something finally to correct what I admit to be an error.

Mr. TOOMBS. Allow me a moment. What is the difficulty

in the way of the Government charging those who use the lights? I have no doubt they ought to be under private superintendence; but now, to-day, why should not a duty be levied, as in all other countries in the world, upon the vessels using the lights, to reimburse the cost of keeping them up, as is done in France and England, and all along the Mediterranean? If the Government does build them, why not compel the owners of ships to pay the expense, and thereby throw the burden off poverty on wealth?

Mr. DAVIS. If our system were one of direct taxation, every one would see at once the justice of the proposition; there could be no argument on it. Our system, however, is one of indirect taxation, by which we collect money from the consumption of the country; and the difference there is hardly material. If the importer paid the light tax, he would merely lay that additional tax on the price of the goods he imported, and the consumer would pay it in that form, with interest on the money thus paid. If you were rid of this system of indirect taxation, where all your revenue is collected from the consumer, and thrown back on property and direct taxation, then I suppose there would be no one who admits the equity of the rule which the Senator and myself both recognize, who would not say that the lights should be supported by taxes levied on those who use them. That is one of the difficulties to which I intended to call the attention of the Senator, rather than to elaborate the point, and one of the very many difficulties which surround a sudden change in this system.

The general principles which were announced as the basis upon which the argument of the Senator from Georgia rests, are those which I have always advocated, more feebly than himself, but with the same zeal—the equitable distribution of the burdens of the Government upon all the people of the United States. I would go further, and say that to levy them upon the property of the United States would be, to me, more acceptable than the present system. He has laid down no general principle in which I do not concur. I heartily go with him in a system of taxation on those who derive the benefits of local improvements. I think a system of taxation may be devised, though it is not without difficulty, for the improvement of rivers; but I think a system of tonnage duties, such as is proposed, will be unequal and unjust, and I believe a violation of the right to use the highways of the United States; or it would evade that right in such a form as to render it utterly useless.

Remarks of Jefferson Davis on the loan bill. May 25, 1858.

Mr. DAVIS. The closing remarks of the Senator from Kentucky impose upon me very reluctantly the necessity of making some reply. In the same breath he argues for economy, and for an increase of the revenues of the country. Blowing hot and cold he proposes to increase the duty upon imports, in order that he may reduce the expenditures of the Government. If his purpose were economy, it would seem that he would take the other direction, that he should seek rather to depress than increase the revenues of the country, known to fill the Treasury to overflowing whenever our commerce is in a prosperous state. It is temporarily checked by the revulsion which has met our commerce at home and abroad; but that constitutes no rule which is applicable for any longer period of time to come.

Then the Senator says that we are to look to the White House for all retrenchment and reform and progress in economy. Now, to take a supposable case: if the honorable Senator were in the White House, what power would he have to take one dollar out of the Treasury? None, sir. Money can only be drawn from the Treasury by appropriations of Congress. What power would he have to impress upon Congress retrenchment and the reduction of expenditure? None, save the veto power, and that has been exercised against his vote for expenditure, time and again. Whatever be the motive of economy, it is as operative on the position of a Senator here, as upon the Executive in the White House. The Senator who votes large appropriations here, and seldom votes against them, is hardly the man to demand to be selected to resist those appropriations, if he should be transferred to another sphere.

But, with a view to make a lick at what he pleased to call the Democratic rule of the country, he alluded to the very low expenditures which existed in Mr. Adams's time, and the heavy expenditures which have been incurred since. But the Senator had a more intimate connection with an Administration of a more recent date. Why did he not take that, when the expenses rose steadily until the obligations incurred in the last year of that Administration went over $44,000,000, $46,000,000, $50,000,000? There has been a necessary increase of the expenditures of the Government, and some of it has been unnecessary; but the responsibility rests not upon the executive department only; it begins here. It is not, as argued, the result of the estimates which are sent to Congress. Those estimates are the

result of the laws you make. If you desire to reduce the expenditures of the country, legislate upon the object of those expenditures. Change the service, and then the expenditure goes down at once. If you insist upon maintaining the service in any particular form, it belongs then to the executive officers of the Government to estimate for the money that will effect the service which the legislation of the country requires.

This is the place to begin retrenchment—the Congress of the United States. Much more frequently have I seen recommendations from Executive Departments to change the service so as to promote economy, than I have seen votes in Congress to sustain the recommendations. Spasmodic exhibitions of an economical desire are frequently brought forth in both Houses of Congress; but the votes upon the great appropriation bills, the objects of the expenditure to which the estimates are made, I have seldom seen.

What shall we gain, sir, by refusing a carefully prepared statement of the Secretary of the Treasury, sustained by the Finance Committee, for a loan? Do you reduce the expenditures by refusing a loan? If they need the money to execute the service imposed upon them, the necessary consequence is one of two: either that the service fails, or that they run in debt and come back with a deficiency bill. I prefer to meet questions face to face. Let reform begin here, by changing the objects of expenditure. Let it be in a direct manner; then cut down the estimates to correspond to the service to be rendered; and then appropriate according to your reduced estimates. It is worse than idle to say I will withhold this or that sum contained in an estimate, and yet require the service to be performed.

Mr. BELL. Will the honorable Senator allow me to interrupt him a moment?

Mr. DAVIS. Certainly.

Mr. BELL. I see, by the tenor of the Senator's remarks, that it is impossible for this debate to be closed to-night until a late hour.

Mr. DAVIS. I can close mine. You may go on if you please.

Mr. BELL. That is not my object. Will the Senator allow me——

Mr. DAVIS. To do what?

Mr. BELL. I think, from the position the honorable Senator has assumed here, that economy must commence in Congress, not depending on the will or policy of the Executive, that he will be obliged to extend his remarks to a considerable extent in order to support his position; and I trust he will give way to

a motion to adjourn now, after the remarks he has already made. ["No! no!"]

Mr. DAVIS. I will merely say that the position——

Mr. BELL. I do not propose, if the honorable Senator will permit me, to speak against the will of the Senate; but I should feel compelled, on a measure of this importance brought to the notice of the Senate only yesterday, that it should not be concluded under such circumstances without further investigation.

Mr. DAVIS. I have nothing to do with forcing a vote. It is very little that I intend to say, and if I stop now, I shall never add anything to what I have said.

Mr. BELL. Very well; I only made the suggestion. I see there is a very great anxiety to get a vote.

Mr. DAVIS. I thank the Senator from Tennessee; but I have no extended speech to make. The little I have to say I prefer to say now.

The Senator misunderstood me in supposing I said economy was not at all affected by the Executive Departments. Both are responsible; and that man of so long experience and such demonstrative capacity, Mr. Calhoun, once said on the floor of this Chamber that it was not to be done here, it was not to be done in the executive department alone, but in the two coöperating together. A judicious expenditure of the money appropriated, and estimates for no more than is absolutely required, belong to the Executive. The objects of expenditure and the money granted belong to Congress. Would you hold a Secretary or a President responsible for large expenditures for internal improvements, where both are opposed to them—the one giving his vetoes on bills for such purposes, and the other charged with the disbursement of money found in his hands appropriated by Congress? If so, it would be vastly unjust. But if he squandered the money in his hands, if he applied it to other purposes than those contemplated by legislation, then, I say, he would be responsible. Then you might charge him with wastefulness, with improvidence, with malfeasance; but the just application of the appropriation made to the object for which it was made, is the duty of the Executive.

Then, again, your deficiency bills show you conclusively, I think, that the estimates are made at the lowest possible figure to execute the work. Those estimates from exports, I may say, are very frequently cut down after they are brought in to the officer who has closely examined the subject, under some hope that a change in your administration will reduce the expenses. At last some contingency arises, and a deficiency occurs. If

you lay your hand upon an occasion where an executive officer himself departed from a just and wise course of administration, and thus created a deficiency, there you arraign neither the man's head nor his motive; but executive officers, no more than ourselves, are prophets. When this session began, we found in progress a campaign against the Mormons, in the Territory of Utah. I had not the foresight that enabled me to tell what would be the result. I have not now, notwithstanding the rumors which are flying through the air. I doubt if there be a great deal of truth in them. I think there is reason to hope that there will be no conflict of arms; but, as I said on a former occasion, that does not vary much the service or the expenditure; that, to preserve order in that country by military force, if that be the policy, will require nearly as much money without conflict as with it.

The Senator from Georgia [Mr. TOOMBS] did injustice to the Committee on Military Affairs. He spoke of a proposition to raise five regiments being a recommendation, at the beginning of the session, from the executive officer in charge of the War Department; and he spoke of the Committee on Military Affairs as bringing in about the same thing. It was not the same thing.

Mr. TOOMBS. It was for the same number of men.

Mr. DAVIS. No, sir; it was not for the same number of men.

Mr. TOOMBS. My impression was that it proposed an equal, if not a greater number.

Mr. DAVIS. Then I am sure the Senator will not object to being corrected. It was to make each regiment consist of twelve companies; that is, fifteen regiments were to be increased by an addition of two companies; that is, thirty companies, or three regiments of ten companies each.

Mr. TOOMBS. Then there was another section to carry up the number of each company to ninety-six.

Mr. DAVIS. It was to increase the maximum of each company under certain circumstances.

Mr. TOOMBS. I think that carried it further than the five regiments, and it exceeded the demand of the Department for men. I should be glad to be corrected if I am in error.

Mr. DAVIS. That was never put to a vote. My recollection is that it was withdrawn by the committee.

Mr. TOOMBS. I spoke of the report of the committee.

Mr. DAVIS. Thirty companies were all that it was proposed to add; and it was proposed to add them with a view to the service then pressing upon us, without any possibility, on

the part of the committee, to foresee when that necessity would cease. Since that time, however, the Congress has been pleased to add three regiments, one of mounted men and two of infantry, it seems, though all might be mounted. The addition proposed would have just been equal to three regiments of rank and file. One of them would have been mounted and two of them necessarily on foot; whereas now, it is a matter of discretion with the executive department. But then all the field officers and staff were added to the bill which Congress chose to prefer to that reported by the committee, and the expense was increased for an organization of the same character of troops. It was a bad stroke of economy. It increased the higher officers, it increased the staff, and it gave the same number of effective men.

As to the number of troops that are necessary, it is an endless question. It is a thing, at last, which is a matter of speculation. Men will differ, from the different points in which they view it. I should be very glad, indeed, were I to see arise a spirit in Congress that sought to draw in the small posts they have thrown out beyond the reach of civilization, concentrate them in large garrisons, and thus have a service by which great economy can be obtained. More efficiency, and a vast saving of money, would be the result of that policy. Thus far, exactly the reverse has been the case. It is Congress that has driven the Executive to that dispersion of military force; so much so that I doubt very much indeed the prudence or propriety of any executive officer undertaking to change the whole system of the disposition of military force, without first having an expression from Congress in relation to it.

I am, Mr. President, opposed to the amendment. I think the question of order was fairly raised. I understand that is withdrawn. Being withdrawn, I have nothing to say upon it. I am opposed to the amendment for a few reasons, which I will attempt, very briefly, to give. The home valuation is to make the goods worth different prices in different ports of the United States. It is to give the advantage of one port over another. It is to aid the centralizing power of commerce—as centralizing as the exterior pressure—to bring the whole trade into one great metropolis, and, from that, to allow it to radiate to the smaller towns. Paying less duty in New York, and charged with no additional duty when sending from New York to other ports, there would be a direct interest to the importer to bring his goods into New York, and then send them to other ports of the United States.

Mr. SEWARD. The amendment proposes a valuation at the city of New York, in all cases.

Mr. DAVIS. How can you establish a valuation in New York, when you add to the foreign value of the goods the freight and charges at San Francisco? How are you to know the value of those goods in New York? How can you possibly do that? It would be unequal in its operation. Still more, sir, would it throw wide and open the gate to fraud. Constantly it has been assumed that this was a measure to check fraud; and how? You have appraisers now; and the appraisers and the invoicers are checks upon each other. Then you abandon the invoice, and rely on the appraiser alone. If a man be ignorant or corrupt, you turn him loose to every species of corruption, and to every possible degree of avarice. Now, it is a part of the appraiser's duty to examine the invoice, and examine the goods, and if they be below value in his judgment, then the importer is subject, in one case, to an increased charge, and in another, to a forfeiture of the goods for a fraud. Are you to get better men by changing the law? Are you to change the mode of appointment? Are you to secure experts under one system and not have them under another? I take it for granted that the appraisers will not be improved. It is upon your appraisers now you are compelled to rely. You have appraisers who pass from point to point. You have such officers now. They might seek thus to render uniform the duties and valuations. That it is their duty to perform now. Now you have the invoice of the foreign value. Then you could have the inspection of the goods and the invoice also. You can resort to the inspection now, whenever you choose. The appraisers have all the power now they would have then. They have less temptation to fraud now than they would have under a change of the system. I rely upon the maxim of Mr. Jefferson: trust nothing to man; fetter him in the chains of the law. The present law is more restrictive; your appraisers are now more confined to the performance of their duty with integrity, than they would be if you abandoned the present system, and left the appraisers to fix the home valuation. Home valuation is another mode of discriminating between the less favored ports of the Union. Home valuation is but another mode by which we are proposing now to increase the commerce of cities; and home valuation, instead of being the means by which we would get rid of fraud, according to my judgment, would render us more liable to fraud, and it would increase the number of our custom-house officers, now

swollen beyond the limits I am willing to bear. These are my opinions.

Remarks of Jefferson Davis on the civil appropriations bill.
May 28, 1858.

Mr. DAVIS. I wish to offer an amendment to the amendment, to strike out all after the word "for," and insert:

The completion of the Capitol extension, $1,185,183 34; and to enable the Liberty Committee to contract with distinguished artists for historical paintings and sculpure for the panels and niches of the Legislative Halls and of the great stairways of the Capitol extension, $50,000 in addition to funds already in their hands for that purpose.

Mr. HUNTER. The original estimate was $1,000,000 for this year. The House of Representatives did not insert the amount of the estimate in the appropriation bill, nor indeed any amount. The Committee on Finance agreed, after some consideration, to ask for $750,000, a part of the sum, towards the completion of the Capitol. In view of the present state of finances, it was thought there ought to be some reduction, especially as the House did not put it in. I should have been content, myself, with adopting the amount of $500,000; something I was disposed to insist on. I think we ought to have our end of the wing completed; at least the room into which we are to go. We have a right to insist on that much; and I was disposed to go for half the estimate. I am willing to go for $750,000; but I think we had better not ask for the whole under the circumstances. In regard to the latter part of the Senator's amendment, as to contracts with artists, I think I would rather postpone that, and have that hereafter, if we are to have it. I go, however, for completing the building. I go for what is necessary, in order to consummate what we have undertaken; and I think $750,000 is enough for the present.

Mr. POLK. I should like to know from the chairman of the Finance Committee how much it would require to finish the new Hall for the Senate.

Mr. HUNTER. I am unable to say how much it would require to finish the new Hall. I believe the estimate to complete the whole is the amount named in the amendment of the Senator from Mississippi.

Mr. POLK. Then what is the standard by which the committee report $750,000?

Mr. HUNTER. It was supposed to be a compromise between a half and the whole. It was a general estimate.

Mr. DAVIS. The sum named in the amendment which I have asked for to complete the Capitol extension, is exactly the estimate. It is what remains unappropriated of the estimate for the completion of the Capitol; and with this I expect the wings to be completed. The sum asked for by the Committee on Finance is not enough to continue the work for the period of a year. The expenditure, when the work is carried on at full time with a full set of hands, is about one hundred thousand dollars a month. If $750,000 be appropriated, the appropriation will run out before the end of the year, the hands must be discharged, and application be made here for additional appropriations to complete the building; and when the additional appropriations are made the hands must be collected again at additional expense. A million dollars is the estimate of the superintendent for the year's expenditures. I have proposed, as an amendment, the sum estimated for the completion of the work, which is to add $185,183 to the amount needed for the year. If we accept his estimate and grant the whole amount, the work will be conducted more economically, and we have a right to require of him that it shall complete the building. If the Committee on Finance, compromising between his estimate and some fanciful sum, adopt an amount which they choose to give, he is not bound to perform any particular amount of work with that appropriation; he is not able to do it as economically as if he were to keep up the full organization of the work. Until he reaches the point of the construction of the portico, a large number of hands is the most economical mode of carrying on the work. At that point the hands must be reduced and the monthly expenditure must be reduced. A million dollars is estimated by him to answer all purposes for the year; but in order that I may insert the words "to complete" and make this a final appropriation, I choose to add the balance of the money which I find in his estimate for the completion of the work.

Then the addition which is made in regard to statues for the niches, and paintings for the panels, was put there because I found in the amendment proposed by the Committee on Finance a proviso that none of this species of work should be done except in a particular way. Now the fact is, that no portion of the money granted for construction is, in my opinion, applicable to the work of making statues for the niches, or decorative paintings. The vacant panels that have been left on the wall indicate and suggest that they are, some day or other, to

be filled with paintings. The money appropriated for the construction of the building has not been so applied, and I do not think it could be properly so applied. It must be by a vote of Congress that these paintings are to be made. It must be by a vote of Congress that statues are to be put in the niches. None of this money, if the whole sum asked for be granted, can be appropriated to either of these purposes. I have no wish to go on now with the paintings, or putting statues in the niches. I agree with the chairman of the Committee on Finance that it is better to postpone that; but I see no purpose in the proviso which is added to his amendment, unless it is to suggest to the minds of members, as it does to mine, that they are already proposing now to have the niches filled with statues and the panels on the walls filled with paintings.

Mr. SEWARD. Will the honorable Senator from Mississippi allow me to ask him a question?

Mr. DAVIS. Certainly.

Mr. SEWARD. I desire to ask the Senator whether he cannot divide his amendment. I am in favor of appropriating $1,000,000 for finishing the Capitol, instead of $750,000 for the year. I want to vote first on that proposition irrespective of these questions about ornamenting the panels, because I am with the Senator as to the appropriation, but against him on the other point.

Mr. DAVIS. I should prefer to divide my amendment, and the reason I did not do so—I stuck the two provisions together with a wafer, as will be seen—was to get rid of a question of order, for which I have always great abhorrence.

Mr. SEWARD. So have I.

Mr. DAVIS. I prefer to have the question on the appropriation for the completion of the building. If I am understood, I will say nothing more.

Mr. PEARCE. I hope the Senator from Mississippi will so change his amendment as to leave out the second clause. There is certainly no necessity at present for appropriating money for paintings for the panels, and statues for the niches. Indeed that is a work of time. We might have these panels and niches filled with very unworthy objects of art, instead of such as should fill them; and I think it would be very well to arrange a system for the ornamentation of the Capitol by such objects, at a time when there is more money in the Treasury than there is now, and when we shall have leisure to digest such a system. I should prefer myself that the Library Committee were not charged with any such duty.

Mr. DAVIS. I have answered the principal object I had in bringing to the notice of the Senate the question of the decorative ornament of the Capitol. It is put, by the proposition, under the charge of the Committee on the Library; and the main object I had was to correct an error which is creeping into the popular mind, and has been disseminated over the Halls of Congress, that the Capitol has been decorated with the money given for construction. The painting of the walls, the coloring of the walls, the use of paint instead of ornamental paper on the walls, is not in the nature of historical paintings which are to fill the panels that are left vacant in all the walls. So, too, it has gone out that an immense amount is spent for statuary. Not a dollar has been spent for statuary except for the pediment, and that properly so spent, because the pediment of the building in which we now sit is ornamented, not equally, but in the same style. It was called for in the pediments of the extension because it was so in the original building. If I have now directed the attention of the Senate to the fact that no part of the appropriation heretofore made, and none of that about to be made can properly be employed for this purpose, I have answered my object.

Mr. HUNTER. I am opposed to increasing the appropriation, but I will state in regard to the proviso that I am very willing, personally, that it should be stricken out. The opinion of the Finance Committee was that the effect of adopting it would be to suspend any work of that kind until a future period —not that it was a means of providing for carrying it on, but stopping it so as to devote the money to the completion of the building.

Mr. DAVIS. I would ask the chairman, was it the opinion of the Committee on Finance that that work had ever been commenced?

Mr. HUNTER. Whether it is their opinion or not, it is an opinion that prevails; and for the purpose of putting an end to it, and satisfying any who had doubts in that regard, it was proposed to insert this proviso; but I am very willing that the proviso should be stricken out. I am not willing, however, to increase the amount of the appropriation.

Mr. FESSENDEN. I will state for the information of the Senator from Mississippi that this proviso was put in, I believe, at my suggestion, although somewhat modified from the original form proposed by me, for this reason: I noticed that such a provision was inserted in the House of Representatives in order to make the appropriation more palatable. It was put

in substantially, and then the House negatived the appropriation. My impression was that the appropriation might fare better in the House of Representatives if we had the proviso in so as to have a definite understanding on that point. It was proposed simply with reference to making the appropriation more acceptable in the other House, where it had been refused.

Mr. DAVIS. The objection to it is, that in attempting to make the appropriation palatable to the House of Representatives, it does injustice to the officer who has been charged with the superintendence of the work. It is a suggestion that money has been so applied when, in fact, it has not been.

Mr. COLLAMER. I wish to ask the Senator a question. Certain it is there has been a great deal of ornamental painting in the new portion of the Capitol. Has not that painting been paid for out of the general appropriation for erection? There is a great deal of fresco painting.

Mr. DAVIS. The coloring of the walls and the little figures introduced on them?

Mr. COLLAMER. Wherever there is a covering of a room, take for instance the Agricultural Committee-room of the House of Representatives, there are paintings on the panels of the walls and overhead, and so it is all over the new Capitol. I call that ornamental painting. Has not that been paid for out of the general appropriation?

Mr. DAVIS. There is fresco painting in the committee room to which the Senator refers, and I am glad that he has reminded me of it, because that room was prepared as a specimen to be submitted to Congress, and they were called upon by the then Secretary of War, being myself, to see whether or not they would have the other rooms completed in the same style, and they were told that if so, and if they would have the building floored with encaustic tiling, an additional sum of money would be required. An opinion was sought from Congress. It was not given by any vote, but it came to me in every other form that they wanted the building finished in the very highest order of modern art. One expression I recollect distinctly, because it was very striking, that Brother Jonathan was entitled to as good a house as any prince or potentate on earth, and generally that they wanted the best materials and best style of workmanship and highest order of art introduced into the Capitol of the United States. It was under that view that estimates were made for the appropriation passed.

Mr. COLLAMER. Still I understand that what we call painting has been done to a large extent. There may be his-

torical paintings to be placed in the panels hereafter; that is another affair; but it is certain that painting to a large amount, to a great extent, in the new Capitol, has been done out of the money appropriated to the general erection. I do not say that I am opposed to this at all, though I may differ very much from some in relation to the taste with which it has been done; but I understand this proviso to be nothing but a restriction in relation to getting historical paintings, or something of that kind.

Mr. DAVIS. Of course I did not suppose the Finance Committee meant that they should not put paint on the walls. It was historical paintings, of course.

Mr. COLLAMER. I would very much desire, if it were possible, to put a restriction on this matter in relation to the ordinary paintings. I think the architectural character of the Representative Hall, as now finished, is entirely overburdened and disguised and thrown out of sight by the great variety of colors put in. I think it is a sort of Joseph's coat; and I desire very much that that kind of thing may be kept out of the new Senate Chamber; and I believe that a large portion of the Senators entertain the same taste and feelings. If anything can be done by way of securing a little more of chastity in it, I should desire it.

Mr. DAVIS. The Senator would not reach his purpose at all by this proviso. It does not direct itself to that point at all. I would ask the Senator if he has been in the new Senate Chamber?

Mr. COLLAMER. I have been in it; but it is in so unfinished a state that I cannot judge of it.

Mr. DAVIS. You can judge of the ceiling.

Remarks of Jefferson Davis on the death of Senator J. Pinckney Henderson, of Texas. June 5, 1858.

Mr. DAVIS. Mr. President, in rising to second the resolutions, my long acquaintance with, and warm attachment to, the deceased, impel me, however feebly, to pay some tribute to his character. It is not at a time when the heart is agitated by sudden and poignant grief, and sympathetically responds to the wail of the widow and the orphan, that we can hope to do justice to the public and private character of one whom we have lost. In both relations it has been my fortune to know the deceased intimately and long. Together with him I have shared

toil and danger; and the association taught me to esteem him more and more with every succeeding trial. Associated with him in the attack on Monterey, his command and my own closed the active operations of that eventful siege. On the third and last day of the attack, when night was closing around us, and we were near to the main plaza, we learned that we were isolated; that orders had been sent to us to retire; that the supports had been withdrawn; and that we were surrounded by a large number of the enemy. A heart less resolved, a mind less self-reliant, than HENDERSON'S, might have doubted, wavered, and been lost. The alternative was presented to him of maintaining a post which he was confident we could hold, or of retiring, when it was doubtful whether we could cut our way through the enemy: he asked no other question than, "Are we ordered to retire?" On learning that such was the fact, he decided, at whatever hazard, to obey; and narrowly, on that occasion, he escaped with his life. The sense of duty rose with him superior to all other considerations; and he obeyed an order which he might have been justified in disobeying, because of the dangers to which it would subject him. It was the same trait in his character which hastened him on when coming to take his seat in the Senate. He had paused at the Island of Cuba, in a condition to warn him not to meet this rigorous and changing climate; but the news reached him that Texas required his vote in this Chamber; and it was enough. Duty pointed the path, and he hesitated not to tread it. He came; and the sacrifice of his life was the result.

Connected with the early history of Texas, and known to the whole of its population, their appreciation of him has been shown in constantly renewed offers of positions of trust and responsibility. The manner in which he discharged his duty requires no other testimony. The last office he filled was among us. Had he remained here longer, he would have been better known; and I might have been spared even the poor effort which I now make to pay some tribute to his memory. He was gentle and just; quick, but too generous to bear malice against any man. Superior to personal fear, he was incapable of personal hate. He was lofty and dignified in all his relations, gentle as the lamb in the hour of peace, and in the midst of his friends, but bold as the lion in the face of danger, and when confronted by an enemy. Such is a rude sketch of the beautiful elements which constituted his character. The people by whom he had been so often, and so highly honored, claimed his first allegiance, and had his last love. He died as he had lived, anxious to fulfill

his obligations to his fellow men, resolved to discharge the duty of his station, and left behind him that good name without which "glory's but a tavern song." I will not invade the sanctity of domestic grief, to speak of those who are most bereaved by his death. The State he represented must long regret him, and feel his loss. But it is a loss to the whole country; for, emphatically, in our country, because of the nature of its Government, its safety and its wealth are the intelligence, the integrity, and the patriotism of its citizens; each owes to all his best exertions for the common good, and it peculiarly belongs to the public servant to meet whatever hazards may lie in the path of his duty. At a solemn moment like this, we are warned how vain and transitory are the objects of our pursuit. The eternal surge of time and tide rolls on, and the next wave ingulfs alike our labors and our existence. Yet it is well that we do not rise to that dignity of philosophy which would measure things by their true value. It is well that we exaggerate the importance of the little things which occupy us; for it is this exaggeration which gives the necessary stimulus to prompt the public man to sacrifice his ease and private interest to the discharge of his public duty. Shall we not then, even in the midst of this solemn warning, mingle with the reflections which it creates, the tribute of our admiration for the patriotic devotion which forgetful of self, sacrificed the individual to the public interest, and gave substance to the objects which, as we stand by the side of the mournful bier, pass before us, and vanish like fleeting shadows.

J. H. Van Evrie[1] *to Jefferson Davis*

(From the Library of Congress. Manuscripts Division.)

Washington 7th, June 1858

Dear Sir,

I sent my card in to you from the Anteroom of the Senate Chamber but finding you engrossed in the discussion then going on concluded not to trouble you. The *Day Book* Establishment is now in my hands and after two years of Experiment feel confident of success. We have now enlarged the Daily to the usual Commercial Size and though it is a bold venture to stand in such a position in a Northern City if our Southern friends will stand by us for a certain time we shall drive the Northern Democrats from their skulking places and force them into the open field of legitimate and manly warfare which is all that

[1] Newspaper editor of New York.

is needed to win the victory over Abolitiondom. I came down here to see various members and obtain their catalogues or rather copies of them for the purpose of sending out specimen numbers but have concluded to put it off until the next session. But we find it necessary to make *every* effort to extend our circulation *now* and several members have promised to forward me a few names of those likely to become subscribers for the paper. If you have a special or limited list and will send it to me you will oblige me and help on the cause, and after copying it I will return it to you for the next session. I have worked very hard to build up this paper without the slightest regard to pecuniary considerations but though thus far there has been *no reward* in the end I shall doubtless be amply compensated even in this respect.

With great respect
Your obd. svt.
J. H. Van Evrie.

[Indorsed: Dr. Van Evrie.]

Remarks of Jefferson Davis on the steamer appropriations bill. June 9, 1858.

Mr. DAVIS. I find in the general proposition (I have not studied the details enough to justify me in speaking of them) too much consideration for the contractor, and too little for the Government. I think the Senator from Vermont has stated this question fairly. My view of what the Government should do is that our duty ceases with the establishment of the line. Then it becomes a matter of contract; and the Postmaster General is to make the best contract he can. I see no reason why, if we can get our mails carried in British vessels across the Atlantic, we should establish a line of American vessels, merely that we may compete with them in a race across the Atlantic. And the vanity of the attempt has been illustrated by its results. To have greater speed, we have built our vessels too light, and so managed them that the whole history of the Collins line is a history of wrecks and disasters to the country, and the loss of many of its best citizens. The British steamers, conducted differently, with commanders appointed by the Government, differently built, have run without accident. I do not think we should engage in such a race; but the Postmaster General should have power to appoint an inspector for every vessel with which he may make a contract; and the inspection should be minute,

so as to determine the character of the vessel, including its present condition and construction, and the character of the commander of that vessel, unless the Government itself shall choose to put a commander on the vessel.

Then, having established the mail line, the question is, how shall the compensation be stated? In one of these amendments, it seems it is to be the postal receipts. I think that altogether an objectionable method, and I shall vote against that amendment for the reason that this is to be a fluctuating amount. Perhaps, in ten years, it will be the same amount you would give if you paid an annual compensation; but the company cannot bear the fluctuation. The depression of commerce, the existence of war, or some other cause, may limit the correspondence, and cut off passengers and light freight, and then a line relying on the postage receipts might not be able to run; whilst, if the Government allowed from year to year a fixed sum, which for the period of ten years would equal the postal receipts of the Government, it might keep up the line. In this way, the company would receive a sum certain, and might run at a loss for a time, making it up at a subsequent period when commerce and travel would come. I think, therefore, it is better that we should pay so much per annum, requiring a certain number of trips to be run, or so much a trip, rather than to let the line take the postage receipts, whatever they may be.

Then, again, I think it is altogether objectionable to allow the contractor to stop when he pleases. It is for Government purposes the line is established, not for the benefit of the contractor. If he may stop during the winter months, when the sea is not only rough, but when emigration terminates, and he cannot crowd his vessels like an emigrant ship, we lose all the advantage of correspondence during that period, and it was for correspondence the mail route was established. If you pay him a sum per trip, and compel him to run so many trips in the year, then you would have the benefit to the Government of a regular channel of correspondence, which, for commercial as well as for diplomatic purposes, is conceived to be necessary to many points in Europe as well as in America. I should most favor, in the establishment of our mail lines, ports on our own continent, ports on the Spanish main and the southern Pacific, where we should open up a commerce beneficial to the United States, and acquire a political power which we have allowed to be transferred to Great Britain, that Government establishing mail lines to all those points where diplomatic relations are important to her as well as to us.

I shall vote against the proposition to adopt as the basis of compensation the amount received from postage. I shall vote against the proposition to strike out what the Postmaster General has asked for, a continuous line, in order that we may maintain the line to Havre. If we do not wish to keep up the line, if we do not choose to make an appropriation to continue that line, let us drop it. If it be well to maintain it, and we choose to fix the rate at which we are willing to pay, let it be stated in dollars and cents, so as not to fluctuate with the amount of travel and the amount of commerce. The necessities of the Government are the same, perhaps increased, during those periods when travel is least and commerce most depressed.

Mr. DAVIS. The chairman of the Committee on Finance is proposing a radical change at a time when I am sure we have not leisure to deliberate on it. If a new principle is to be applied to the whole system, I think we had better do it another year after due deliberation, preparation, and discussion of the subject. I have not had the subject explained to me sufficiently to understand it in all its details, and yet I can see most clearly the injury which is to be wrought on these two lines. I do not myself concur in the view that it is better to take the postage as the amount of compensation; I think we had better give these companies a fixed amount, though it should be less than the postage. We had better take the amount the postage would be in ten years as the receipt of the Government, and then fix an amount annually to be paid to the company less than that. They would then know what to rely upon. Fluctuations dependent materially on the action of our own Government should not be thrown on the contractors who carry our mail. We have it in our power, by governmental action, to increase or diminish the amount of travel and amount of correspondence, and this burden should not be thrown on the contractors, they having no control over the subject. I am perfectly willing to take what would be the average for a term of years, and fix it per annum or per trip. But I do not hold that this whole subject of steam navigation is to be treated as an invasion of the Treasury, and an outrage upon public propriety, for if the steamers are valueless for any good purpose in time of war, and I believe they are, they are nevertheless schools, and they establish workshops, where engines can be built, and steam vessels can be built, that will answer war purposes, and the sad lessons that we have learned in this Collins line, will be worth to the Government many million dollars in the future, if we should ever have to erect a great steam navy. I think there is a manifest injustice in the

operation of the bill towards these lines, if you intend to keep up the ocean mail routes at all. If you intend to discontinue them, say so, but I think the notice is too short, and I prefer, therefore, to adhere to the form of the bill which the House gave; allow them to go on for this year, giving the appropriation stated by the House, and give this contingent sum which will be at the disposal of the Postmaster General; and if in another year we can perfect a system which is better than this, and mature the arrangement, let it be done on due deliberation; let us examine it, and vote upon it.

Remarks of Jefferson Davis on the Indian deficiency bill. June 12, 1858.

Mr. DAVIS. The Senator from Texas and the Senator from Arkansas have argued this question as a question relating to two States. I should do it as a question of public interest relating to the Choctaws, a tribe of Indians who once resided in Mississippi, and whose proud history it is never to have shed the blood of a white man. They very faithfully bore arms as the allies of the whites in the war of 1812. They migrated to this country, where a certain tract of land was set apart for them. A portion of that land the Senator desires to seize for the use of the Indians of Texas.

Mr. HOUSTON. No, sir; not a foot of it. I will explain to the gentleman. It has been purchased by the Government for an Indian reservation, but I do not want a Texas Indian to go on it at all. The gentleman misapprehends me.

Mr. DAVIS. It has not been purchased. It was only granted in use. The Choctaws still retain their right to it. The Choctaws have no idea of surrendering their jurisdiction over this land. They specifically retain their right to settle it. They expect to mingle some portion of their tribe with such tribes as choose to go into their territory West. They have schools which are, I expect, as good as any in the northern part of Texas. They need not send their children out of their own tribe for that species of education; and they can educate the older tribes if they are brought under their laws, jurisdiction, and government. I think it is the best opportunity we shall have for the civilization of the wild tribes, but I say that the Choctaws have a right to decide who shall go on this land that they have granted for certain purposes, retaining to themselves jurisdiction and rights in the land set apart.

Nor, sir, is this question, as a practical matter, of very great importance, unless it is a struggle to raise a superintendency for the territory outside of Texas for the agent now within her border. He maintains that the United States bear a peculiar relation to that State. The United States own none of that land that the Indians were raised upon; Texas is the owner. A few small reservations have been set apart, so as to separate the Indians from the common pressure of settlement. If the Texas Indians could go into the Choctaw country, they would go out of the jurisdiction of Texas, and properly separate themselves from the control of the agent, whose instruction and whose relations are to the Indians of Texas residing upon the territory of Texas, and not upon the territory of the United States.

But, to sustain himself, the Senator from Texas arraigned the private and the official character of the agent of the Choctaws; and, after hurling denunciation at him, announces that he does not know the gentleman. Then, sir, I will tell him something about him. He is a man who held many positions of honor and trust before he received this Choctaw agency, and in peace and in war well discharged the duties of them all. Those who know him best would not consider that I complimented him at all when I tell the Senator he is his peer on any occasion. Yet without knowing him, without caring to know the man, he hurls denunciations at him as though he would convict him——

Mr. HOUSTON. Convict whom?

Mr. DAVIS. The agent of the Choctaws. He went from the country in which these Indians resided before they removed West. From his infancy up he had known those Indians, and many of the old men remembered him. He went there. He acquired an affectionate regard for those Indians. He has done more to elevate the nation, in my belief, than any agent I have ever known of an Indian tribe. He established his agency upon the extreme western border of the settlement of the Choctaw Indians, in order that he might have control of this very territory, into which certain wild tribes were invited to settle. It is true, the agency was removed to Fort Wichita; but still the western part of the Choctaw nation, on the False Wichita, is near the residence of the superintendent of this country, on which the Choctaws have agreed that wild Indians might reside.

I will not consume the time of the Senate. I will not imitate the example of the Senator, on the last day of the session, in consuming time. The speech might as well have been made three months ago, unless recent changes made it an object not to do

so. If he had not plumed himself upon this insult of a personal friend of myself, I should have said nothing; though I think there is a great deal in his remarks in which he could not possibly maintain himself—his general denunciation of the Army, his specific denunciation of one officer of the Army. That officer will not feel much intimidated at the threat the Senator makes —that if he had the power he would run his pen through his name. He will sleep secure; he will sleep long before that Senator attains such power.

Why all this denunciation of the officers of the Army? I hear nothing except that they are gentlemen of education—nothing except that they are gentlemen of refinement and cultivated taste; to which he appends, as a necessary consequence, that they will not serve on the frontier, and make peace among the Indian tribes. Is it true, sir? Does the history of the country sustain the accusation? Do they not reside on the frontier? What portion of our population has seen anything like the same amount of personal intercourse with Indian tribes as the officers and soldiers of our Army? He may sustain his accusation against them that they are gentlemen, educated men; and if that be a crime in his eyes, he may judge them upon it. But he says they do nothing; and this shows how reckless of assertion and how regardless he is of reputation; for, on another occasion, I read an account narrating what they had done in his own State of Texas—a service which showed physical endurance and military prowess which would fairly compare with anything of like character of service in any history of any nation.

But after all this, he winds up with the plea of humanity—humanity for the Indian; and mingles with that vauntings about the number of Indians a Texas ranger can kill. Why, sir, this is a queer view of it. He complains of the Army because they do not kill these poor creatures instead of trying to raise them to a higher position than they now occupy. If that was the real purpose, a gentleman of education and refined taste, it seems to me, would prefer to do that rather than to massacre the poor helpless creatures that fall into his hands.

I will not, Mr. President, continue my remarks, and would not have trespassed upon the Senate at this hour, but for the reason I have stated.

Mr. HOUSTON. The gentleman's surprise, I am sure, did not exceed mine, and does not exceed it now. I would be glad if the gentleman would be so kind as to tell me what remarks of a personal character I applied to his friend, the Indian agent?

Mr. DAVIS. I cannot repeat the language. You were at it, I think, for a quarter of an hour.

Mr. HOUSTON. I want to know a single expression that I used disreputable to him.

Mr. DAVIS. Did you not speak of his failing to do his duty?

Mr. HOUSTON. Never.

Mr. DAVIS. What did you say?

Mr. HOUSTON. I said it was unfortunate to carve out a superintendency there, but I said nothing against the gentleman. Now, sir, this goes out to the world as if I had availed myself of my senatorial position wantonly to attack the character of an individual. As the Senator does not know what it was, and asks me if I did not do it, I tell him, no sir, I did not do it.

Mr. DAVIS. If the Senator did not attack the character of the agent of the Choctaws, then the Senator from Arkansas and myself, who were his principal auditors, were greatly mistaken.

Mr. HOUSTON. I would thank the Senator to state the expression I used.

Mr. DAVIS. I do not pretend to report your speech. The reporter attends to that.

Jefferson Davis to Messrs. John Robbins, Jr., Jesse Johnson, F. Campbell, Peter Rambo, George B. Berrell, Committee.

Washington D. C. July 1st 1858.

Gentlemen,

I have the honor to acknowledge your kind invitation to meet you at Independence Square, and to unite with the Democracy of Philadelphia in celebrating our National Anniversary.

The feeble state of my health will deprive me of that pleasure, but my prayers shall mingle with yours for the welfare, and safety of our common country.

The memories which cluster around the spot on which you are to assemble carry the mind up the river of our national existence to the pure fountain from which it flows. The elements of that fountain were fraternity, liberty, equality, and justice, to render them stable, and secure the Union was ordained, and established; happy would it be, not only for ourselves, but for all mankind if the politically leprous would come to drink of its blessed waters, and be healed.

If sectional, and class interests, rivalry envy, and hate have disturbed or perverted the course of our government, they have

sprung from motives above which the men who framed our Constitution rose superior, and otherwise our Union had not been formed. So long as their descendants may emulate their patriotism, their virtue, and their wisdom, why may not the Union of the Constitution stand; its government steadily progressing in the development of the purposes for which it was established and diffusing its benefits over countless ages, and countless millions of men, gathered from all nations to sit in peace and unity beneath the tree of rational representative liberty.

Accept Gentlemen my sincere thanks for the very gratifying terms in which you refer to my political labors, and believe me to be

Very cordially your friend and fellow citizen

JEFFN. DAVIS.

Messrs. John Robbins, Jr.
Jesse Johnson
F. Campbell
Peter Rambo
George B. Berrell
Committee.

Speech of Jefferson Davis on Fourth of July, 1858, at Sea.

(From the Boston Post.)

The fine ship *Joseph Whitney,* from Baltimore, Captain S. Howes, was making for this port on the day of the celebration of the nation's birth, and among an unusually brilliant array of passengers from different parts of the country, was the distinguished Senator, JEFFERSON DAVIS, of Mississippi. The patriotic suggestion of the captain, to celebrate the day in a manner befitting the great anniversary, met with a hearty response from the company, among whom were zealous republicans, democrats and Americans. A committee was appointed to invite the Senator to make an address, and he consented.

First, the Declaration of Independence was read by Sebastian F. Streeter, Esq., of Baltimore, when Senator Davis made an address of singular felicity of diction and impassioned eloquence, and of such a character as to command the admiration of those who listened to it. He commenced by happy allusions to the array of beauty and intelligence that stood before him from all parts of our common country; he then passed in review

the condition of the feeble and separate colonies of 1776, and contrasted with it the country now—the only proper republic on earth, as it stood before the world in its wonderful progress in art, and agriculture, and commerce, and all the elements that constitute a great nation. When thus sailing on the Atlantic, looking to the coast of the United States, he was reminded of those bold refugees from British and French oppression who crossed these waters to found a home in what was then a wilderness. The memory, too, arose of the many sorrowing hearts and oppressed spirits since borne over these waves to that refuge from political oppression which our fathers founded as the home of liberty and the asylum of mankind. Her territory, which now stretches from ocean to ocean, contains a vast interior yet unpeopled; and, with a destiny of still further and continued expansion of area, why should the gate of the temple be now shut upon sorrowing mankind? Rather let it be that the gate should be forever open, and an emblematic flag, hereafter as heretofore, wave a welcome to all to come to the modern Abdella—fugitives from political oppression.

Senator Davis dwelt at some length on the right-of-search question—on the insulting claim which Great Britain made to a peace-right to visit our ships. Under the pretence of stopping the slave trade—a trade against which the United States was the first nation to raise its voice—she had interrupted and destroyed a lucrative commerce we had enjoyed in ivory and other products on the coast of Africa. The late outrages in the Gulf found us, as a people, with domestic quarrels on our hands; but if this power counted on existing divisions and on making them wider, the result showed how great was her error. The insult was resented by a united people; the Senate, as one man, leaped up against British pretensions; while England, as suddenly, astonished, withdrew her pretensions. The claim she so long preferred is given up—entirely abandoned. The same spirit that resented insult in the past will resent it in the future. I stand, said the Senator, substantially on the deck of an American vessel; it is American soil; the American flag floats over it; its right to course the ocean pathway is perfect. When the blue firmament reflected its own color in the sea, it was the unappropriated property of mankind; and it was arrogant and idle for any nation to deny to the United States her full enjoyment of this common property. It was for the full and undisturbed enjoyment of this right that our fathers, when much less prepared for war than we are now, engaged in the conflict of 1812; and

for this right we were ready to strike in 1858. Let a foreign power, under any pretence whatever, insult the American flag, and it will find that we are not a divided people, but that a mighty arm will be raised to smite down the insulter, and this great country will continue united.

Trifling politicians in the South, or in the North, or in the West, may continue to talk otherwise, but it will be of no avail. They are like the mosquitoes around the ox: they annoy, but they cannot wound, and never kill. There was a common interest which ran through all the diversified occupations and various products of these sovereign States; there was a common sentiment of nationality which beat in every American bosom; there were common memories sweet to us all, and, though clouds had occasionally darkened our political sky, the good sense and the good feeling of the people had thus far averted any catastrophe destructive of our constitution and the Union. It was in fraternity and an elevation of principle which rose superior to sectional or individual aggrandizement that the foundations of our Union were laid; and if we, the present generation, be worthy of our ancestry, we shall not only protect those foundations from destruction, but build higher and wider this temple of liberty, and inscribe perpetuity upon its tablet.

In the course of his beautiful speech, Senator Davis passed a noble eulogium on our mother country; and dwelt on the many reasons why the most cordial friendship should be maintained with her; and he concluded by a tribute to the fair sex —the women—beautiful woman; to the wondrous educational influence as the mother which she exercised over the minds of men. It is ever, at all times, felt and operative—upon the dreary waste of ocean, on the lonely prairie, in the troublous contests at the national halls. And when the arm is moved in the deadly conflicts of the battle-field, and the foe is vanquished, then the gentle influences instilled by women do their work, and the heart melts into tears of pity and prompts to deeds of mercy.

After this intellectual repast, then succeeded congratulations; the air was made vocal with song; while, through the foresight of the gallant captain, at the evening hour, the sky about the good ship Joseph Whitney was brilliant with those various pyrotechnic displays which must be so grateful to the spirit of patriotic John Adams, of bonfire and illumination-memory.

C. M. Hitchcock[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

San Francisco
July 4th 58

Hon: Jeffn. Davis
U. S. Senate,

My dear Sir.—I trust you will excuse my seeming interference in your case. Yet, you are too good a friend of mine to be angry with me for advising or suggesting Medical attendants —Col. Campbell has just told me of your sufferings during the past Winter, and let me assure you, that you have no friend outside of your own family who sympathizes more fully in your affliction than myself—Mr. Campbell tells me that you are going North perhaps to consult Medical Men—Let me recommend one or two whom I know to be scientific & skilful—Doctor Wilkes of Hudson Square N.Y. used to be a very able man in that branch of his profession: Dr. Delafield (a Brother of Majr Delafield of the Army) was also considered eminent—But I would be glad to have you call in Dr. John T. Metcalfe, son of Dr. Metcalfe of Natchez, and formerly a Lieut. of Ordnance—He is at the head of the Profn in N.Y. being a Profr in the Medl. College &c. He will be able to get the best advisors for you—He is probably known to you, at least, he knows you well, both having belonged to the Service—Now, do see him as you pass through N.Y. and I feel certain you will be benefited, and relieved—I wish I could do more for you; for we look to you, to *sustain the South,* and you *can't see through any eyes but your own*—

Think of these names, *Metcalfe, Wilkes & Delafield*—Make my kindest regards, if you please, to your good Lady—

and believe me ever
truly your friend
C. M. Hitchcock

[Indorsed: Dr. Hitchcock,
California.]

Speech of Jefferson Davis at the Portland Serenade, July 9th, 1858.

After the music had ceased, Mr. Davis appeared upon the steps, and as soon as the prolonged applause with which he was greeted had subsided, he spoke in substance as follows:

[1] Surgeon U. S. A. rank of major; died 1885.

FELLOW COUNTRYMEN:—Accept my sincere thanks for this manifestation of your kindness. Vanity does not lead me so far to misconceive your purpose as to appropriate the demonstration to myself; but it is not less gratifying to me to be made the medium through which Maine tenders an expression of regard to her sister Mississippi. It is moreover, with feelings of profound gratification that I witness this indication of that national sentiment and fraternity which made us, and which alone can keep us, one people. At a period, but as yesterday when compared with the life of nations, these States were separate, and in some respects opposing colonies; their only relation to each other was that of a common allegiance to the government of Great Britain. So separate, indeed almost hostile, was their attitude, that when Gen. Stark, of Bennington memory, was captured by savages on the head waters of the Kennebec, he was subsequently taken by them to Albany where they went to sell furs, and again led away a captive, without interference on the part of the inhabitants of that neighboring colony to demand or obtain his release. United as we now are, were a citizen of the United States, as an act of hostility to our country, imprisoned or slain in any quarter of the world, whether on land or sea, the people of each and every State of the Union, with one heart, and with one voice, would demand redress, and woe be to him against whom a brother's blood cried to us from the ground. Such is the fruit of the wisdom and the justice with which our fathers bound contending colonies into confederation and blended different habits and rival interests into a harmonious whole, so that shoulder to shoulder they entered on the trial of the revolution, step with step trod its thorny paths until they reached the height of national independence and founded the constitutional representative liberty, which is our birthright.

When the mother country entered upon her career of oppression, in disregard of chartered and constitutional rights, our forefathers did not stop to measure the exact weight of the burden, or to ask whether the pressure bore most upon this colony or upon that, but saw in it the infraction of a great principle, the denial of a common right, in defence of which they made common cause; Massachusetts, Virginia and South Carolina vieing with each other as to who should be foremost in the struggle, where the penalty of failure would be a dishonorable grave.

Tempered by the trials and sacrifices of the revolution, dignified by its noble purposes, elevated by its brilliant triumphs,

endeared to each other by its glorious memories, they abandoned the confederacy, not to fly apart when the outward pressure of hostile fleets and armies were removed, but to draw closer their embrace in the formation of a more perfect union. By such men, thus trained and ennobled, our Constitution was formed. It stands a monument of principle, of forecast, and, above all, of that liberality which made each willing to sacrifice local interest, individual prejudice or temporary good to the general welfare, and the perpetuity of the Republican institutions which they had passed through fire and blood to secure. The grants were as broad as were necessary for the functions of the general agent, and the mutual concessions were twice blessed, blessing both him who gave and him who received. Whatever was necessary for domestic government, requisite in the social organization of each community, was retained by the States and the people thereof; and these it was made the duty of all to defend and maintain.

Such, in very general terms, is the rich political legacy our fathers bequeathed to us. Shall we preserve and transmit it to posterity? Yes, yes, the heart responds, and the judgment answers, the task is easily performed. It but requires that each should attend to that which most concerns him, and on which alone he has rightful power to decide and to act. That each should adhere to the terms of a written compact and that all should cooperate for that which interest, duty and honor demand. For the general affairs of our country, both foreign and domestic, we have a national executive and a national legislature. Representatives and Senators are chosen by districts and by States, but their acts affect the whole country, and their obligations are to the whole people. He who holding either seat would confine his investigations to the mere interests of his immediate constituents would be derelict to his plain duty; and he who would legislate in hostility to any section would be morally unfit for the station, and surely an unsafe depositary if not a treacherous guardian of the inheritance with which we are blessed.

No one, more than myself, recognizes the binding force of the allegiance which the citizen owes to the State of his citizenship, but that State being a party to our compact, a member of our union, fealty to the federal Constitution is not in opposition to, but flows from the allegiance due to one of the United States. Washington was not less a Virginian when he commanded at Boston; nor did Gates or Greene weaken the bonds which bound them to their several States, by their campaigns in the South.

In proportion as a citizen loves his own State, will he strive to honor by preserving her name and her fame free from the tarnish of having failed to observe her obligations, and to fulfil her duties to her sister States. Each page of our history is illustrated by the names and the deeds of those who have well understood, and discharged the obligation. Have we so degenerated, that we can no longer emulate their virtues? Have the purposes for which our Union was formed, lost their value? Has patriotism ceased to be a virtue, and is narrow sectionalism no longer to be counted a crime? Shall the North not rejoice that the progress of agriculture in the South has given to her great staple the controlling influence of the commerce of the world, and put manufacturing nations under bond to keep the peace with the United States? Shall the South not exult in the fact, that the industry and persevering intelligence of the North, has placed her mechanical skill in the front ranks of the civilized world—that our mother country, whose haughty minister some eighty odd years ago declared that not a hob-nail should be made in the colonies, which are now the United States, was brought some four years ago to recognize our pre-eminence by sending a commission to examine our work shops, and our machinery, to perfect their own manufacture of the arms requisite for their defence? Do not our whole people, interior and seaboard, North, South, East, and West, alike feel proud of the hardihood, the enterprise, the skill, and the courage of the Yankee sailor, who has borne our flag far as the ocean bears its foam, and caused the name and the character of the United States to be known and respected wherever there is wealth enough to woo commerce, and intelligence enough to honor merit? So long as we preserve, and appreciate the achievements of Jefferson and Adams, of Franklin and Madison, of Hamilton, of Hancock, and of Rutledge, men who labored for the whole country, and lived for mankind, we cannot sink to the petty strife which would sap the foundations, and destroy the political fabric our fathers erected, and bequeathed as an inheritance to our posterity forever.

Since the formation of the Constitution, a vast extension of territory, and the varied relations arising therefrom, have presented problems which could not have been foreseen. It is just cause for admiration—even wonder, that the provisions of the fundamental law should have been found so fully adequate to all the wants of government, new in its organization, and new in many of the principles on which it was founded. Whatever fears may have once existed as to the consequences of territorial

expansion, must give way before the evidence which the past affords. The general government, strictly confined to its delegated functions, and the States left in the undisturbed exercise of all else, we have a theory and practice which fits our government for immeasurable domain, and might, under a millenium of nations, embrace mankind.

From the slope of the Atlantic our population with ceaseless tide has poured into the wide and fertile valley of the Mississippi, with eddying whirl has passed to the coast of the Pacific, from the West and the East the tides are rushing towards each other—and the mind is carried to the day when all the cultivable land will be inhabited, and the American people will sigh for more wildernesses to conquer. But there is here a physico-political problem presented for our solution. Were it was purely physical—your past triumphs would leave but little doubt of your capacity to solve it.

A community, which, when less than twenty thousand, conceived the grand project of crossing the White Mountains, and, unaided, save by the stimulus which jeers and prophecies of failure gave, successfully executed the herculean work, might well be impatient, if it were suggested that a physical problem was before us, too difficult for their mastery. The history of man teaches that high mountains and wide deserts have resisted the permanent extension of empire, and have formed the immutable boundaries of States. From time to time, under some able leader, have the hordes of the upper plains of Asia swept over the adjacent country, and rolled their conquering columns over Southern Europe. Yet, after the lapse of a few generations, the physical law to which I have referred, has asserted its supremacy, and the boundaries of those States differ little now from those which obtained three thousand years ago. Rome flew her conquering eagles over the then known world, and has now subsided into the little territory on which her great city was originally built. The Alps and the Pyrenees have been unable to restrain imperial France; but her expansion was a feverish action; her advance and her retreat were tracked with blood, and those mountain ridges are the re-established limits of her empire. Shall the Rocky Mountains prove a dividing barrier to us? Were ours a central consolidated government, instead of a Union of sovereign States, our fate might be learned from the history of other nations. Thanks to the wisdom and independent spirit of our forefathers, this is not our case. Each State having sole charge of its local interests and domestic affairs, the problem which to others has been insoluble, to us is

made easy. Rapid, safe, and easy communication between the Atlantic and the Pacific, will give co-intelligence, unity of interest, and co-operation among all parts of our continent-wide republic. The network of railroads which bind the North and the South, the slope of the Atlantic and the valley of the Mississippi, together testify that our people have the power to perform, in that regard, whatever it is their will to do.

We require a railroad to the States of the Pacific for present uses; the time no doubt will come when we shall have need of two or three; it may be more. Because of the desert character of the interior country the work will be difficult and expensive. It will require the efforts of an united people. The bickerings of little politicians, the jealousies of sections, must give way to dignity of purpose and zeal for the common good. If the object be obstructed by contention and division as to whether the route to be selected shall be northern, southern or central, the handwriting is on the wall, and it requires little skill to see that failure is the interpretation of the inscription. You are a practical people and may ask, how is that contest to be avoided? By taking the question out of the hands of politicians altogether. Let the Government give such aid as it is proper for it to render to the Company which shall propose the most feasible and advantageous plan; then leave to capitalists with judgment sharpened by interest, the selection of the route, and the difficulties will diminish as did those which you overcame when you connected your harbor with the Canadian Provinces.

It would be to trespass on your kindness and to violate the proprieties of the occasion, were I to detain the vast concourse which stands before me, by entering on the discussion of controverted topics, or by further indulging in the expression of such reflections as circumstances suggest.

I came to your city in quest of health and repose. From the moment I entered it you have showered upon me kindness and hospitality. Though my experience has taught me to anticipate good rather than evil from my fellow man, it had not prepared me to expect such unremitting attention as has here been bestowed. I have been jocularly asked in relation to my coming here, whether I had secured a guaranty for my safety, and lo, I have found it. I stand in the midst of thousands of my fellow citizens. But my friends, I came neither distrusting, nor apprehensive, of which you have proof in the fact that I brought with me the objects of tenderest affection and solicitude—my wife and my children; they have shared with me your hospitality, and will alike remain your debtors. If at some future time,

when I am mingled with the dust, and the arm of my infant son has been nerved for deeds of manhood, the storm of war should burst upon your city, I feel that, relying upon his inheriting the instincts of his ancestors and mine, I may pledge him in that perilous hour to stand by your side in the defence of your hearth stones, and in maintaining the honor of a flag whose constellation though torn and smoked in many a battle, by sea and land, has never been stained with dishonor, and will I trust forever fly as free as the breeze which unfolds it.

A stranger to you, the salubrity of your location and the beauty of its scenery were not wholly unknown to me, nor were there wanting associations which busy memory connected with your people. You will pardon me for alluding to one whose genius sheds a lustre upon all it touched, and whose qualities gathered about him hosts of friends, wherever he was known. Prentiss, a native of Portland, lived from youth to middle age in the county of my residence, and the inquiries which have been made, show me that the youth excited the interest which the greatness of the man justified, and that his memory thus remains a link to connect your home with mine.

A cursory view, when passing through your town on former occasions, had impressed me with the great advantages of your harbor, its easy entrance, its depth, and its extensive accommodation for shipping. But its advantages, and its facilities as they have been developed by closer inspection, have grown upon me until I realize that it is not boast, but the language of sober truth which in the present state of commerce pronounces them unequalled in any harbor of our country.

And surely no place could be more inviting to an invalid who sought a refuge from the heat of a southern summer. Here waving elms offer him shaded walks, and magnificent residences surrounded by flowers, fill the mind with ideas of comfort and of rest. If weary of constant contact with his fellow men, he seeks a deeper seclusion, there, in the back ground of this grand amphitheatre, lie the eternal mountains, frowning with brow of rock and cap of snow upon the smiling fields beneath, and there in its recesses may be found as much of wildness, and as much of solitude, as the pilgrim weary of the cares of life can desire. If he turn to the front, your capacious harbor, studded with green islands of ever varying light and shade, and enlivened by all the stirring evidences of commercial activity, offer him the mingled charms of busy life and nature's calm repose. A few miles further, and he may sit upon the quiet shore to listen to the murmuring wave until the troubled spirit sinks to rest, and

in the little sail that vanishes on the illimitable sea, we may find the type of the voyage which he is soon to take, when, his ephemeral existence closed, he embarks for that better state which lies beyond the grave.

Richly endowed as you are by nature in all which contributes to pleasure and to usefulness, the stranger cannot pass without paying a tribute to the much which your energy has achieved for yourselves. Where else will one find a more happy union of magnificence and comfort, where better arrangements to facilitate commerce? Where so much of industry, with so little noise and bustle? Where, in a phrase, so much effected in proportion to the means employed? We hear the puff of the engine, the roll of the wheel, the ring of the axe, and the saw, but the stormy, passionate exclamations so often mingled with the sounds, are no where heard. Yet, neither these nor other things which I have mentioned, attractive though they be, have been to me the chief charm which I have found among you. For above all these I place the gentle kindness, the cordial welcome, the hearty grasp, which made me feel truly and at once, though wandering far, that I was still at home.

My friends, I thank you for this additional manifestation of your good will.

Crafts J. Wright[1] *to Jefferson Davis.*

(From the Library of Congress. Manuscripts Division.)

Cin July 19 [1858]

Hon. Jef. Davis

My friend,

I cannot refrain from writing to express to you the surprise and the pleasure the perusal of your Portland speech has given me. It is a high toned and delightfully expressed speech—one that in its mode of expression & general tenor, does credit both to head & heart.—I am far removed purposely from all mere political excitements and look at acts and speeches from my distant stand with a calmer thought than others can or will do who intermix therewith. It is surprising to myself how differently one feels who has thus withdrawn out of the sphere, from what the feeling was when conducting a paper & daily intermixing with those according in view & having only a cheif[?] aim to promote their one sided views. I have reason to think all

[1] Class mate of Jefferson Davis at West Point Class of 1828; resigned from the army 1828; died 1883.

will so feel and will find intermixing excites—withdrawal modifies and ameliorates all our feelings. It may not be of any moment for you to feel that others like myself not participating much in political excitements, but who yet have their own strong view—have pleasure or not in reading such speeches—Still I have not lost—cannot lose my friendly interest in those whom I have known as yourself, be their positions high or low—successful or unsuccessful.—To you, my thoughts often recur, and there are few left of whom to think. Hence I read most I see of your views. In many things we differ, and few agree on many.—But in these great leading views, we cannot disagree—we may as to a mode of arriving at a result—not on the result to be arrived at.

I heard at N O where I have been the cheif part of the past year of your ill health, & was on the point of writing you about it—as I could not satisfy myself about it. I now infer you are better and I trust your general health may be fully established by the bracing atmosphere of Portland.

Present my regards to M^rs^ Davis & believe me

Your friend

CRAFTS J. WRIGHT

[Indorsed: C. J. Wright]

William Joseph Hardee to Mrs. Davis.

(Davis Papers. Library of Congress.)

Camp Jeff'n Davis,
West Point, N. Y.
Augt 15 1858

My dear Mrs Davis:

I write to invite Colo Davis and yourself to make us a visit on your way from Portland to the South. Miss Dummete would be delighted to see you & we will do all in our power to make your visit agreeable. I believe you have never seen the Point and I'm sure you could not see it to better advantage than in September or October when the forest leaves begin to turn. The Colo has many warm friends here who would be glad to see him, and I know nothing could give me greater happiness than to have you at our house. We shall have abundant room for your children, nurses &c. Do try and come. If I could get away I would run up to Portland to see you, but it is impossible.

I named our encampment in honor of your husband. Please thank him for his great kindness in having a law passed giving

me additional rank and pay. Grateful as it was to me personally I think I derived greater happiness for what he did for my principal assistants.

With kind remembrances to him and to your children, and hoping to see you here in the fall believe me,

truly your friend,
W. J. HARDEE.

Mrs Colo Davis,
Portland,
Maine.

James L. Farmer to Jefferson Davis

(From the Library of Congress. Manuscripts Division.)

Portland October 18th 1858

Hon Jefferson Davis
Dear Sir

I have only heard from you on the return of Mr Massey, who brought the news of a further ilness of "our little defender" which we all regretted to hear. I hope you got home safely without any further troubles of this kind. I had the pleasure of reading the fine speech you made in Boston, with which I was much pleased. I am glad you made the stay in Boston to deliver it. It will do good, and have the effect to enlarge the circle of friendly feeling in N England towards the South & to you particularly.

I have been to see the Copy of Quincy (s?) Napoleon with Mr McDonald, who will take it on. It is not as fine as the original, which he says it is impossible to take. however we had not the original to compare it with. I shall take that in to day, & decide about it/& if I think will do will send it on to you.

Mrs Farmer has not recd the articles from the dye house yet. When they come I will send them on to you by express.

I wrote yesterday to Mr Brown Postmaster General, proposing to carry a monthly mail to & from Portland & Liverpool the coming winter, receiving as pay, the Ocean postage, which I hope he will give us. If he will do this, it will provide for his winter service to Liverpool at a cheap rate, & in the mean time Congress can have an opportunity to make their further arrangements for the future. If you will be kind enough to see Mr Brown, & say a favorable word, I should esteem it a great favor, & say to him what you think about my ability to carry out what I have proposed to do. A good word from you would probably

help the matter greatly. The proposal from an American citizen, will place the matter a little more favourably than to come from Mr Allan himself.

The mails have been carried I think from N York in foreign built steamers, but the bargain made by a citizen, of the U States.

We miss you all very much, & the children talk continually about your little pets. Eleanor says she wants Maggie to come back again very soon. M^rs^. F., M^rs^ B. & the children all join me in love & regards to you, M^rs^ Davis, & the children. Please let us hear from you occasionally, which we shall be gratified with. Very Respectfully

Yours truly
JAMES L. FARMER

[Indorsed: James L. Farmer
Answd.
Oct 27^th^ 1858.]

Speech of Jefferson Davis at the Portland Convention.

ON Thursday, August 24th, 1858, when the Democratic Convention had nearly concluded its business, a committee was appointed to wait on Mr. DAVIS, and request him to gratify them by his presence in the Convention. He expressed his willingness to comply with the wishes of his countrymen, and accordingly repaired to the City Hall. On entering he was greeted in the most cordial and enthusiastic manner. After business was finished, he proceeded to the rostrum, and, addressing the Convention, said:

Friends, fellow-citizens, and brethren in Democracy, he thanked them for the honor conferred by their invitation to be present at their deliberations, and expressed the pleasure he felt in standing in the midst of the Democracy of Maine—amidst so many manifestations of the important and gratifying fact that the Democratic is, in truth, a national party. He did not fail to remember that the principles of the party declaring for the largest amount of personal liberty consistent with good government, and to the greatest possible extent of community and municipal independence, would render it in their view, as in his own, improper for him to speak of those subjects which were local in their character, and he would endeavor not so far to trespass upon their kindness as to refer to anything which bore

such connection, direct or indirect—and he hoped that those of their opponents who, having the control of type, fancied themselves licensed to manufacture facts, would not hold them responsible for what he did not say. He said he should carry with him, as one of the pleasant memories of his brief sojourn in Maine, the additional assurance, which intercourse with the people had given him, that there still lives a National Party, struggling and resolved bravely to struggle for the maintenance of the Constitution, the abatement of sectional hostility, and the preservation of the fraternal compact made by the Fathers of the Republic. He said, rocked in the cradle of Democracy, having learned its precepts from his father,—who was a Revolutionary Soldier—and in later years having been led forward in the same doctrine by the patriot statesman—of whom such honorable mention was made in their resolutions—Andrew Jackson, he had always felt that he had in his own heart a standard by which to measure the sentiments of a Democrat. When, therefore, he had seen evidences of a narrow sectionalism, which sought not the good of the whole, not even the benefit of a part, but aimed at the injury of a particular section, the pulsations of his own heart told him such cannot be the purpose, the aim, or the wish of any American Democrat—and he saw around him to-day evidence that his opinion in this respect had here its verification. As he looked upon the weather-beaten faces of the veterans and upon the flushed cheek and flashing eye of the youth, which told of the fixed resolve of the one, and the ardent, noble hopes of the other, strengthened hope and bright anticipations filled his mind, and he feared not to ask the question—shall narrow interests, shall local jealousies, shall disregard of the high purposes for which our Union was ordained, continue to distract our people and impede the progress of our government toward the high consummation which prophetic statesmen have so often indicated as her destiny?—[Voices, no, no, no! Much applause.]

Thanks for that answer; let every American heart respond no; let every American head, let every American hand unite in the great object of National development. Let our progress be across the land and over the sea, let our flag as stated in your resolutions, continue to wave its welcome to the oppressed, who flee from the despotism of other lands, until the constellation which marks the number of our States which have already increased from thirteen to thirty-two, shall go on multiplying into a bright galaxy covering the field on which we now display the revered stripes, which record the original size of our political

family, and shall shed its benign light over all mankind, to point them to the paths of self-government and constitutional liberty.

He here referred to the history of the Democratic party, and numbered among its glories the various acts of territorial acquisition and triumphs through its foreign intercourse in the march of civilization and National amity, as well as in the glories which from time to time had been shed by the success of our arms upon the name and character of the American people. He alluded to the recent attempt by some of the governments of Europe, to engraft upon National law a prohibition against privateering. He said whenever other governments were willing to declare that private property should be exempt from the rigors of war, on sea as it is on land, our government might meet them more than half way, but to a proposition which would leave private property the prey of national vessels and thus give the whole privateering to those governments which maintained a large naval establishment in time of peace, he would unhesitatingly answer no. Our merchant marine constituted the militia of the sea—how effective it had been in our last struggle with a maritime power, he need not say to the sons of those who had figured so conspicuously in that species of warfare. The policy of our government was peace. We could not consent to bear the useless expense of a naval establishment larger than was necessary for its proper uses in a time of peace. Relying as we had and must hereafter upon the merchant marine to man whatever additional vessels we should require, and upon the bold and hardy Yankee sailor, when he could not longer get freight for his craft, to receive a proper armament, and go forth like a knight errant of the sea in quest of adventure against the enemies of his country's flag.

He said our country was powerful for all military purposes, and if asked to compare her armies and her navy with those of the great powers of Europe, he would answer, that is not our standard. History teaches that our strength is in the courage and patriotism, the skill and intelligence of our people. A part of the American army was before him, and a part of the American navy was lying in the harbor of their city. That army and that navy had fought the battles of the Revolution, of the "war of 1812" and of the war with Mexico, and would never be found wanting, whilst the patriotism of the earlier days of the Republic, proved a sufficient cement to hold the different parts of our wide spread and extending country together. He said that everything around him spoke eloquently

of the wisdom of the men who founded these colonies—their descendants, who sat before him, contrasted strongly, as did their history and present power, stand out in bold relief, when compared with those of the inhabitants of Central and Southern America. Chief among the reasons for this, he believed to be the self-reliant hardihood of their forefathers who, when but a handful, found themselves confronted by hordes of savages, yet proudly maintained the integrity of their race and asserted its supremacy over the descendants of Shem, in whose tents they had come to dwell. They preferred to encounter toil, privation and carnage, rather than debase their lineage and race. Their descendants of that pure and heroic blood have advanced to the high standard of civilization attainable by that type of mankind. Stability and progress, wealth and comfort, art and science, have followed their footsteps.

Among our neighbors of Central and Southern America, we see the Caucasian mingled with the Indian and the African. They have the forms of free government, because they have copied them. To its benefits they have not attained, because that standard of civilization is above their race. Revolution succeeds Revolution, and the country mourns that some petty chief may triumph, and through a sixty days' government ape the rulers of the earth. Even now the nearest and strongest of these American Republics, which were fashioned after the model of our own, seems to be tottering to a fall, and the world is inquiring as to who will take possession; or, as protector, raise and lead a people who have shown themselves incompetent to govern themselves.

He said our fathers laid the foundation of Empire, and declared its purposes; to their sons it remained to complete their superstructure. The means by which this end was to be secured were simple and easy. It involved no harder task than that each man should attend to his own business, that no community should arrogantly assume to interfere with the affairs of another—and that all should be actuated by the noble emulation of promoting the common good, and by the honorable obligation of fulfilling the compact which their fathers had made.

He then referred to the commercial position of Maine, and spoke of her brightly unfolding prospects of prosperity and greatness. Many considered her wealth to consist of her forests, and that her prosperity would decline when her timber was exhausted—he held to a different opinion, and thought they might welcome the day, when the sombre shadows of the Pine gave place to verdant pastures and fruitful fields. Was he

asked, what then was to become of the interests of ship-building? He would answer—let it be changed from wood to iron. The skill to be acquired by a few years' experience, would at a fair price for iron, enable our ship-builders to construct iron ships, which, taking into account their greater capacity for freight and greater durability, would be cheaper than vessels of wood, even whilst timber was as abundant as now;—at least such was the information he had derived from persons well informed upon those subjects.

He expressed the gratification he felt for the courtesy of the Democracy in Maine, and doubted not that the Democracy of Mississippi would receive it, with grateful recognition, as evincing fraternal sentiment by kindness done to one of her sons, not the less a representative, because a humble member of her Democracy.

Speech of Jefferson Davis at Belfast Encampment.

About ten o'clock the troops at the encampment being under arms, Col. Davis was escorted to the ground and reviewed them. He was then introduced to the troops by Gen. Cushman, as follows—

Officers and fellow soldiers, I introduce to you Col. Jefferson Davis, an eminent citizen of Mississippi,—a man, and I say a hero, who has, in the service of his country, been among and faced hostile guns.

Col. Davis replied as follows—

Citizen Soldiers:—I feel pleased and gratified at the exhibition I have witnessed of the military spirit and instruction of the volunteer militia of Maine. I acknowledge the compliment which has been paid to me, and I welcome it as the indication of the liberality and national sentiment which makes the militia of each State the effective, as they are the constitutional defenders of our whole country.

To one who loves his country in all its parts, it is natural to rejoice in whatever contributes to the prosperity and honor, and marks the stability and progress of any portion of its people. I therefore look upon the evidence presented to me of the soldierly enthusiasm and military acquirements displayed on this occasion, with none the less pleasure because I am the citizen of another and distant State. It was not the policy of our government to maintain large armies or navies in time of peace. The history of our past wars established the fact that it was not

needful to do so. The militia had been found equal to all the emergencies of war. Their patriotism, their intelligence, their knowledge of the use of arms, had given to them all the efficiency of veterans, and on many bloody fields they have shown their superiority over the disciplined troops of their enemies. A people morally and intellectually equal to self-government, must also be equal to self-defence. My friends, your worthy General has alluded to my connection with the military service of the country. The memory arose to myself when the troops this day marched past me, and when I looked upon their manly bearing and firm step, I thought could I have seen them thus approaching the last field of battle on which I served, where the changing tide several times threatened disaster to the American flag, with what joy I would have welcomed those striped and starred banners, the emblem and the guide of the free and the brave, and with what pride would the heart have beaten when welcoming to danger's hour, brethren from so remote an extremity of our expanded territory.

One of the evidences of the fraternal confidence and mutual reliance of our fathers was to be found in their compact for mutual protection and common defence. So long as their sons preserve the spirit and appreciate the purpose of their fathers, the United States will remain invincible, their power will grow with the lapse of time, and their example show brighter and brighter as revolving ages roll over the temple our fathers dedicated to constitutional liberty, and founded upon truths announced to their sons, but intended for mankind. I thank you, citizen soldiers, for this act of courtesy. It will long and gratefully be remembered, as a token of respect to the distant State of which I am a citizen, and I trust will be noted by others, as indicating that national sentiment which made, and which alone can preserve us a nation.

Speech of Jefferson Davis at the Banquet After Encampment at Belfast.

THE MAYOR then gave:

The heroes who have fought our country's battles: may their services be appreciated by a grateful people.

Loud calls being made for Col. JEFFERSON DAVIS, that gentleman arose and said:

The sentiment to which he was called to respond excited memories which called up proud emotions, though their associa-

tions were sad. He could not reply to a compliment paid to the gallantry of his comrades in the war with Mexico, without remembering how many of them now mingle with the dust of a foreign land, and how many of them have sunk after the day of toil was done by reason of the exposure endured in the service of their country. The land has mourned, and still mourns, the fall of its bravest and best, and truly are our laurels mingled with the cypress, 'tis well, and 'tis wise, 'tis natural and 'tis proper, that in looking on the laurels of our glory we should pause to pay a tribute to the cypress which weeps over them, and having paid this tribute to the gallant dead, the memory of whose service can never die, we pass to the consideration of their acts, and the beneficial results which their sacrifices have secured. When that war begun, our history recorded evidence only of the power of our people for defence. The Fabian policy of Washington, admirably adapted to the condition of the Colonies, achieved so much in proportion to the means, that he would be rash indeed who should attempt to criticise it. The prudent, though daring course of Jackson, fruitful as it was of the end to be attained, did not yet serve to illustrate the capacity of our people for the trials and the struggles attendant on the operations of an invasive war. Hence it was commonly asserted that the American people, though they might resist attack, were powerless to redress aggression which was not connected with the invasion of their territory. The idea of reliance upon undisciplined militia was treated with contempt and derision. To borrow a simile from the pit, we were regarded as dung-hill soldiers, who would only fight at home. In the war with Mexico our armies carried their banners over routes hitherto unknown, through mountain passes where nature had almost completed the work of defence, and penetrated further into the enemy's country than any European army has ever marched from the source of its supplies. Not to prolong the comparison by a reference to events of a remote period, he would only refer to the last campaign in European war. The combined armies of France and England, after preparation worthy of their great military power, advanced through friendly territory to the outer verge of the country, against which they directed a war of invasion, and after a prolonged siege by sea and by land, finally captured a sea-port town which they could not hold. Before them lay the country they had come to invade, but there, at the outer gate, their march was arrested, and in sight of the ships which brought them supplies and reinforcements, they terminated a campaign, the scale and proclaimed objects of which had caused

the world to look on in expectation of achievements the like of which man had not seen. Why was it so? was it not that they were unable to move from the depot of supplies, though a distance less than half of that over which our army passed before reaching a productive region would have brought the allied forces to a country filled with all the supplies necessary for the support of an army. Is it boastful to say that American troops, and an American treasury, would have encountered and have overcome such an obstacle? He did not forget the complaints which had been made on account of the vast expenditures which had been made in the prosecution of the war with Mexico; but he remembered with pride the capacity which the country had exhibited to bear such expenditure, and believed that our people had no money standard by which to measure the duty of their government, and the honor of their flag. We bear with us from the wars in which we have been engaged no other memory of their cost than the loss of the gallant dead. To the printed reports and tabular statements we must go when we desire to know how many dollars were expended. The successful soldier when he returns from the field is met by a welcome proportionate to the leaves which he has added to the wreath of his country's glory. Each has his reward; to one, the admiring listener at the hearthstone; to another, the triumphal reception; to all, the respect which patriotism renders to patriotic service. To the soldier who, in the early part of the Mexican war, set the seal of invincibility upon American arms, and subsequently by a signal victory dispersed and disorganized the regular army of Mexico, his countrymen voted the highest reward known to our government. Twice before have the people in like manner manifested their approbation and esteem. Thus has the military spirit of the country been nursed; to-day it needs not the monarchial bundles of ribbons, orders and titles to sustain it. Thus has the American citizen been made to realize that it is sweet and honorable to die for one's country; and to feel proudest among his family memories of the names of those who successfully fought or bravely died in defence of the national flag. Often he had had occasion to feel, and to mark the mingled sensation of pride and of sorrow with which friends revert to those who gallantly died in the field. Even at this now remote day he could not travel in Mississippi without having the recollection of his fallen comrades painfully revived by meeting a mother who mourns her son with the agony of a mother's grief; a father, whose stern nature vainly struggles to conceal the involuntary pang, or tender children who know not the extent of their deprivation, though it

is indeed the sorest of all. Let none then be surprised that he could not see the laurel save through the solemn shade of the cypress. Time, however, softened the shadow long before it withers the leaf. On his way to this place he learned that it was possible, and he seized the occasion to visit the residence of Gen. Knox, of revolutionary memory. His own desire to see something which had been identified with a patriot soldier who had so largely contributed to the success of the revolution, and the establishment of the institutions we inherited, was but an indication of the military sentiment which lives in the American heart. It turns the step of the traveller from his direct path, it attracts the boy in his first reading, it fires the ambition of the youth, and encircles the veteran with the kindness of his neighbors, and swells the train which follows his bier when, his duty to his country performed, he answers the summons of his God, and is translated to a better sphere. It is that same military enthusiasm which calls you from the avocations and the pleasures of home to the duties and discomforts of the camp, that you may prepare yourselves whenever your country needs it to render her efficient service. On the militia of the country the rights of its citizens, and the honor of its flag, must mainly depend in the event of a war; they only need to be organized and instructed to render them a secure reliance. Mingled with the great body of the people, identified with their feelings and their interests, proud of the prowess of their fathers and jealously careful of the country's honor, if properly instructed and prepared, the first trumpet call should bring from plain and from mountain a citizen soldiery who would encircle the land and check the invader with a wall of fire. Your plan of encampment seems best suited to the purposes of practical instruction. A pilgrim in search of health, his steps had been fortunately directed to Maine, the courtesy of the commander of this encampment had induced him to visit it and to review the troops. In all respects it had been to him most gratifying. The appointments, the movements, the stern faces, and stalwart forms of the men, spoke of the power to do, and the will to dare whatever it was needful and proper to perform. This day to manifest respect to a citizen of a distant State, whose only claim upon them is that he has been an American soldier, and is an American citizen, they had cheerfully marched through heavy mire. So much had they given to so small a demand on their natural sentiment, he could not doubt they would with equal alacrity, and with the same firm step, march over a field miry with the

blood of comrade and of foe, where opposing causes make to men a common fate.

Among the objects which were of interest to him and which he had hoped to visit, was the fortification at the narrows of the Penobscot. During the last session of congress he had endeavored to obtain an appropriation for the completion of the work which had advanced to the point which made it effective against shipping, but left still liable to be carried by land attack. He was not of those who thought it necessary to raise walls wherever an enemy might land and march, for he would say that henceforward there would remain to an invading army but to choose between captivity and a grave. To protect commercial ports against naval assaults forts are needful and should be completed so as to render them defensible by small garrisons, and to save those garrisons as far as possible from the sacrifice of life. Our people require no wall to separate them from other countries, unless it be needful for our own restraint. Our policy is peace, and the fact shines brightly on the pages of our history that not one acre of its extensive acquisitions have been claimed as the spoil of the sword. Unpeopled deserts have been purchased, and on its own application a community has been admitted to our family of states. But we have offered to the world the singular example of conquered territory returned to the vanquished.

Permit me in this connection, whilst ever mindful of the just relation and necessity for concurrent action between the civil and military departments of government, to bear testimony to the value of the militia for the purposes of peace. The principle of self-government and the spirit of independence are so deep rooted in the American mind that our people would illy brook the enforcement of law by any extraneous power, and it is to be hoped we never will see a case in which the people of a State will not be able to maintain the civil authority, and vindicate offended law against all opposers whomsoever. To give energy and activity to such popular action the organization of the militia will be most convenient whenever force shall be needful. It is not a little remarkable that though the first Presidents in emphatic language from time to time recommended a thorough organization of the militia as one of the most important duties of the government, but little more has yet been done than to make provisions for supplying them with arms, and for calling them out when required for federal purposes. There is a moral effect arising from the spectacle of each State possessed of a body of instructed militia, ready not only to maintain its gov-

ernment at home, but to unite with the militia of other States and to form an army upon which all can rely whenever a common danger calls for a common defence. It has been thus that from time the fraternity of our revolutionary fathers has been renewed among their sons, and additional assurance has been given that the sentiment of nationality on which our Union was founded could never die. That the expansion of the circle did not weaken its cohesive power, nor the piling of arch upon arch endanger the foundation on which our political temple was built.

It was not a structure of expediency; master workmen cleared away the surface where the errors and prejudices of ages had accumulated, dug deep down to the immutable rock of truth, and with unchanging principles constructed the walls to stand till time should become eternity. Who is there, then, forgetful of his revolutionary descent, insensible to the pride which the name of the United States justly inspires, faithless to the duty which the bond of his fathers imposes, and reckless of all which the honorable discharge of that duty ensures, would unite with impious purpose to destroy that foundation, and strive, with sacrilegious hand to tear the flag under which we had marched from colonial dependence to our present national greatness. Away with speculative theories, and false philanthropy of abstractions, which tend to destroy one half, one third, aye, or a single star of that bright constellation which lights the pathway of our future career, and sends a hopeful ray through the clouds of despotism which hang over less favored lands.

Our mission is not that of propagandists—our principles forbid interference with the institutions of other countries; but we may hope that our example will be imitated, and should so live that this model of representative liberty, community independence, and government derived from the consent of the governed, and limited by a written compact, should commend itself to the adoption of others. We now stand isolated among the great nations of the earth; the opposition of monarchial governments to the theory on which ours is founded, points to the possibility of an alliance against us, by which what is termed national law may be modified and warped to our prejudice if not to our assailment. It needs the united power, harmonious action and concentrated will of the people of all these States to roll the wheel of progress to the end which our fathers contemplated, and which their sons, if they are wise and true, may behold. May the kindness and courtesy which have characterized the present occasion on which Mississippi has been greeted by Maine, be a type of the feeling which shall ever exist between the

extremes of our common country. From Florida to California, from Oregon to Maine, from the centre to the remotest border may the possessors of our constitutional heritage appreciate its value, and faithfully, fraternally labor for its thorough development, looking back to the original compact for the purposes for which the Union was established, and forward to the blessings which such union was designed and is competent to confer.

Speech of Jefferson Davis at the Portland Meeting.

When it became known that Mr. Davis had arrived at the Hall, he was loudly called for. Hon. Joseph Howard, chairman of the meeting, then introduced Mr. Davis, who, on coming forward, was greeted with cheer upon cheer from the vast audience. As soon as the prolonged and enthusiastic applause with which he was welcomed had subsided, Mr. Davis, addressing the audience as fellow citizens and Democratic brethren, said that the invitation with which he had been favored to address them, evinced a purpose to confer together for the common good—for the maintenance of the constitution, the bond of union. He would not be expected to discuss local questions; he would not in this imitate the mischievous agitators who inflame the Northern mind against the Southern States. He came among them, an invalid, advised by his physician to resort to this clime for the restoration of his health; as an American citizen, he had not expected that his right to come here would be questioned; as a stranger, or if not entirely so, known mainly by the detraction which the ardent advocacy of the rights of the South had brought upon him, he had supposed that neither his coming nor his going would attract attention. But his anticipations had proved erroneous. The polite, the manly, elevated men, lifted above the barbarism which makes stranger and enemy convertible terms, had chosen, without political distinction, to welcome his coming, and by constant acts of generous hospitality to make his sojourn as pleasant as his physical condition would permit.

On the other hand, men who make a trade of politics, and whose capital consists in the denunciation of the institutions of other States, had erroneously judged him by themselves, and had regarded his coming as a political mission; wherefore it was, he was led to suppose, that the scavengers of that party had been employed in the publication of falsehoods, both in relation to himself and his political friends at the South.

So far as it affected him personally their attacks were no more than the barking of a cur, which, by its clamor, indicates the inhospitable character of the master who keeps him. If his friends and himself were, as had been falsely charged, Disunionists and Nullifiers, they might naturally have looked for kinder considerations from a party which circulates petitions for a "prompt and peaceful dissolution of the Union" on account of the incompatibility of the sections—from a party, which, having proved faithless to the obligation of the constitution in relation to the fugitive from service or labor, then declares null and void the law which their dereliction made it necessary for Congress to enact. The fealty of himself and friends to the constitution, and their honorable discharge of its obligations was their rebuke to this party, in whose hostility he found the highest commendation in their power to bestow.

By reckless fabrication, by garbling and inserting new words into extracts, they had attempted to deceive the people here as to his opinions, and had crowned the fraud by the absurd announcement that his was the creed on which the people of Maine must vote next Monday.

It was due to the hospitality which he had received at their hands that he should not interfere in their domestic affairs, and he had not failed to remember the obligation; when republicans had introduced the subject of African slavery he had defended it, and answered pharisaical pretensions by citing the Bible, the constitution of the United States and the good of society in justification of the institutions of the State of which he was a citizen; in this he but exercised the right of a freeman and discharged the duty of a Southern citizen. Was it for this cause that he had been signalized as a slavery propagandist? He admitted in all its length and breadth the right of the people of Maine to decide the question for themselves; he held that it would be an indecent interference, on the part of a citizen of another State, if he should arraign the propriety of the judgment they had rendered, and that there was no rightful power in the federal government or in all the States combined, to set aside the decision which the community had made in relation to their domestic institutions. Should any attempt be made thus to disturb their sovereign right, he would pledge himself in advance, as a State-rights man, with his head, his heart and his hand, if need be, to aid them in the defence of this right of community independence, which the Union was formed to protect, and which it was the duty of every American citizen to

preserve and to guard as the peculiar and prominent feature of our government.

Why, then, this accusation? Do they fear to allow Southern men to converse with their philosophers, and seek thus to silence or exclude them? He trusted others would contemn them as he did, and that many of our brethren of the South would, like himself, learn by sojourn here, to appreciate the true men of Maine, and to know how little are the political abolitionists and the abolition papers the exponents of the character and the purposes of the Democracy of this State.

And now having brushed away the cob-webs which lay in his path, he would proceed to the consideration of subjects worthy of the audience he had the honor to address.

Democrats, patriots, by whatever political name any of you may be known, you have a sacred duty to perform to your ancestry and to posterity. The time is at hand when for good or for evil, the questions which have agitated the public mind are to be solved. Is it true as asserted by northern agitators that there is such contrariety between the North and the South that they cannot remain united! Or rather, is it not true as our fathers deemed it, that diversity in the character of the population, in the products and in the institutions of the several States formed a reason for their union and tended to secure to their posterity the liberty which was the common object of their love, and by cultivating untrammeled intercourse and free trade between the States, to duplicate the comforts of all?

There was a time when the test of patriotism was the readiness to sever the bond which bound the colonies to the mother country. Recently our people with joyous acclamation have welcomed the connection of the United States with Great Britain, by the Atlantic cable. The one is not inconsistent with the other. When the home government violated the charters of the colonies, and assumed to control the private interests of individuals, the love of political liberty, the determination at whatever hazard to maintain their rights, led our fathers to enter on the trial of revolution. Having achieved the separation, they did what was in their power for the development of commerce. They secured free trade between the States, without surrendering State independence. Their sons, not only free, but beyond the possibility of future interference in their domestic affairs, now seek the closest commercial connection with the country from which their fathers achieved a political separation.

Had the proposition been made to consolidate the States after their independence had been achieved, all must know it would

have been rejected—yet there are those who now instigate you to sectional strife for the purpose of sectional dominion and the destruction of the rights of the minority. Do they mean treason to the Constitution and the destruction of the Union? Or do they vilely practice on credulity and passion for personal gain? The latter is suggested by the contradictory course they pursue. At the same time they proclaim war upon the slave property of the South, they ask for protection to the manufactures of the staple which could not be produced if that property did not exist. And while they assert themselves to be the peculiar friends of commerce and navigation, they vaunt their purpose to destroy the labor which gives vitality to both; whilst they proclaim themselves the peculiar friends of laboring men at the North, they insist that the negroes are their equals; and if they are sincere they would, by emancipation of the blacks, bring them together and degrade the white man to the negro level. They seek to influence the northern mind by sectional issues and sectional organization, yet they profess to be the friends of the Union. The Union voluntarily formed by free, equal, independent States.

We of the South, on a sectional division, are in the minority; and if legislation is to be directed by geographical tests—if the constitution is to be trampled in the dust, and the unbridled will of the majority in Congress is to be supreme over the States; we should have the problem which was presented to our Fathers when the Colonies declined to be content with a mere representation in parliament.

If the constitution is to be sacredly observed, why should there be a struggle for sectional ascendency? The instrument is the same in all latitudes, and does not vary with the domestic institutions of the several States. Hence it is that the Democracy, the party of the constitution, have preserved their integrity, and are to-day the only national party and the only hope for the preservation and perpetuation of the Union of the States.

Mr. Jefferson denominated the Democracy of the North, the natural allies of the South. It is in our generation doubly true; they are still the party with whom labor is capital, and they are now the party which stands by the barriers of the constitution, to protect them from the waves of fanatical and sectional aggression. The use of the word aggression reminded him that the people here have been daily harangued about the aggressions of the slave power, and he had been curious to learn what was so described. It is, if he had learned correctly, the assertion of the right to migrate with slaves into the territories of the United

States. Is this aggression? If so, upon what? Not upon those who desire close association with the negro; not upon territorial rights, unless these self-styled lovers of the Union have already dissolved it and have taken the territories to themselves. The territory being the common property of States, equals in the Union, and bound by the constitution which recognizes property in slaves, it is an abuse of terms to call aggression the migration into that territory of one of its joint owners, because carrying with him any species of property recognized by the constitution of the United States. The Federal government has no power to declare what is property anywhere. The power of each State cannot extend beyond its own limits. As a consequence, therefore, whatever is property in any of the States must be so considered in any of the territories of the United States until they reach to the dignity of community independence, when the subject matter will be entirely under the control of the people and be determined by their fundamental law. If the inhabitants of any territory should refuse to enact such laws and police regulations as would give security to their property or to his, it would be rendered more or less valueless, in proportion to the difficulty of holding it without such protection. In the case of property in the labor of man, or what is usually called slave property, the insecurity would be so great that the owner could not ordinarily retain it. Therefore, though the right would remain, the remedy being withheld, it would follow that the owner would be practically debarred by the circumstances of the case, from taking slave property into a territory where the sense of the inhabitants was opposed to its introduction. So much for the oft repeated fallacy of forcing slavery upon any community.

If Congress had the power to prohibit the introduction of slave property into the territories, what would be the purpose? Would it be to promote emancipation? That could not be the effect. In the first settlement of a territory the want of population and the consequent difficulty of procuring hired labor, would induce emigrants to take slaves with them; but if the climate and products of the country were unsuited to African labor—as soon as white labor flowed in, the owners of slaves would as a matter of interest, desire to get rid of them and emancipation would result. The number would usually be so small that this would be effected without injury to society or industrial pursuits. Thus it was in Wisconsin, notwithstanding the ordinance of '87; and other examples might be cited to show that this is not mere theory.

Would it be to promote the civilization and progress of the negro race? The tendency must be otherwise. By the dispersion of the slaves, their labor would be rendered more productive and their comforts increased. The number of owners would be multiplied, and by more immediate contact and personal relation greater care and kindness would be engendered. In every way it would conduce to the advancement and happiness of the servile caste.

No—no—it is not these, but the same answer which comes to every inquiry as to the cause of fanatical agitation. 'Tis for sectional power, and political ascendency; to fan a sectional hostility, which must be, as it has been, injurious to all, and beneficial to none. For what patriotic purpose can the Northern mind be agitated in relation to domestic institutions, for which they have no legal or moral responsibility, and from the interference with which they are restrained by their obligations as American citizens?

Is it in this mode that the spirit of mutual support and common effort for the common good, is to be cultivated? Is it thus that confidence is to be developed and the sense of security to grow with the growing power of each and every State? Is it thus that we are to exemplify the blessings of self-government by the free exercise in each independent community of the power to regulate their domestic institutions as soil, climate, and population may determine?

Among the questions which have been made the basis of recent agitation, and has contributed as much, perhaps, as any other to popular delusion, was the act known as the Missouri Compromise. It will be remembered that the agitation of 1819 on the subject of slavery, was not masked as it has been since, by pretensions of philanthropy—it was an avowed opposition to the admission of a slave-holding State. A long and bitter controversy was terminated by the admission of the State of Missouri, and the prohibition of slavery north of the parallel of 36 deg. 30 minutes. He, and those with whom he most concurred, had always contended that Congress had no constitutional power to make the interdiction. But the people having generally aquiesced, the matter was considered settled; and when Texas, a slave-holding State, was admitted into the Union, Southern men, regarding the Missouri Act as a compact, assented to the extension of the line through the territory of Texas, with a provision that any State formed out of the territory north of 36:30: should be non-slaveholding. But when, at a subsequent period, we made extensive acquisitions from Mexico,

and it was proposed to divide the territory by the same parallel, the North generally opposed it, and after a long discussion, the controversy was settled on the principle of non-intervention by Congress in relation to property in the territories. The line of the Missouri Compromise was repudiated. And a Senator who had been most prominent in denouncing the repeal of the Missouri Compromise as a violation of good faith on the part of the South, in 1850, described it as a measure which had been the grave of every Northern man who supported it, and objected to the boundary of 36: 30: for the territory of Utah, because of the political implication which its adoption would contain.

The act having been thus signally repudiated by the denial in every form of the power of Congress to fix geographical limits within which slavery might or might not exist; when it became necessary to organize the territories of Kansas and Nebraska, it was but the corollary of the proposition which had been maintained in 1850 to repeal the act which had fixed the parallel of 36: 30: as the future limit of slavery in the territory of Louisiana.

Consistency demanded so much; fairness and manhood could not have granted less. He was not then a member of Congress; but if he had been, he should have voted for that repeal; for although in 1850 he had favored the extension of the Missouri Compromise line to the Pacific Ocean, and believed that it would most conduce to the harmony of the States, he had yielded to the action of the Government, and considered the position then taken as conclusive against the retention of the line in Louisiana and Texas, which its beneficiaries had refused to extend through the territories acquired from Mexico. As a general principle, he thought it was best to leave the territories all open. Equality of right demanded it, and the federal government had no power to withhold it. Whatever validity the Missouri Compromise act had, it derived from the acquiescence of the people. After 1850 then it had none. The South had not asked Congress to extend slavery into the territories, and he in common with most Southern statesmen, denied the existence of any power to do so. He held it to be the creed of the Democracy, both in the North and the South, that the General Government had no constitutional power either to establish or prohibit slavery anywhere; a grant of power to do the one must necessarily have involved the power to do the other. Hence it is their policy not to interfere on the one side or the other, but protecting each individual in his constitutional rights, to leave every independent community to

determine and adjust all domestic questions as in their wisdom may seem best.

Politicians of the opposite school seemed to forget the relation of the General Government to the States; even so far as to argue as though the General Government had been the creator instead of the creature of the States. He had learned that attempts had been made to impress upon the people of Maine the belief that they were in danger of having slavery established among them by decree of the Supreme Court of the United States. He scarcely knew how to answer so palpable an absurdity. The court was established, among other purposes, to protect the people from unconstitutional legislation; and if Congress, in the extreme of madness, should attempt thus to invade the sovereignty of a State, it would be within the power, and would be the duty of the court, to check the aggression by declaring such law void. The courts have, on more than one occasion, asserted the right of transit as a consequence of the guarantees of the Constitution, but it would require much ingenuity to torture the protection of a traveller or sojourner into an assertion of a right to become resident and introduce property in contravention of the fundamental law of the State, or of a citizen to hold property within a State in violation of its constitution and its policy. The error of the proposition was so palpable that, like the truth of an axiom, it could not be rendered plainer by demonstration.

It is not within the scope of human foresight to see the embarrassments which may arise in the execution of any policy. When it was declared that soil, climate, and unrestrained migration should be left to fix the *status* of the territories, and institutions of the States to be formed out of them, no one probably anticipated that companies would be incorporated to transport colonists into a territory with a view to decide its political condition. Congress, as he believed, yielding too far to the popular idea, had surrendered its right of revision and thus had recently lost its power to restrain improper legislation in the territories. From these joint causes had arisen the unhappy strife in Kansas, which at one time threatened to terminate in civil war. The Government had been denounced for the employment of United States troops. Very briefly he would state the case.

The movement of the Emigrant Aid Societies of the North was met by counteracting movements in Missouri and other Southern States. Thus opposing tides of emigration met on the plains of Kansas. The land was a scene of confusion and violence. Fortunately the murders which for a time filled the

newspapers, existed nowhere else; and the men who were reported slain, usually turned up after a short period to enjoy the eulogies which their martyrdom had elicited. But arson, theft and disgraceful scenes of disorder did really exist, and bands of armed men indicated the approach of actual hostilities. What was the Government to do? Perhaps you will say, call out the militia. But that would have been to feed and arm one of the parties for the destruction of the other. To call out the militia of neighboring States would have been but little better. The sectional excitement then ran so high, that they would probably have met upon the fields of Kansas as combatants, the government in the meantime furnishing the supplies for both armies. It was necessary to have a force—one which would be free from sectional excitement or partizan zeal and under executive control. The army fulfilled these conditions. It was therefore employed. It dispersed marauding parties, disarmed organized invaders, arrested disturbers of the peace, gave comparative quiet and repose to the territory, without taking a single life, aye, or shedding one drop of blood. The end justified the means, and the result equaled all that could have been anticipated.

The anomalous condition of a territory possessing full legislative power, but not invested with the sovereignty of a State, justified the anxiety exhibited by Congress to be relieved from the embarrassment which the case of Kansas presented. The Senate passed a bill to authorize a convention for the preparation of a constitution for the admission of Kansas as a State. It however failed in the House of Representatives, and the legislature of Kansas, availing themselves of the plenary power conferred upon them by the organic act, proceeded to provide for the assembling of a convention, and the formation of a constitution. The law was minute and fair in its provisions, so nearly resembling the bill of the Senate that the one was probably copied from the other. It seemed to secure to every legal voter every desirable opportunity to exercise his right. One of the parties of the territory, however, denying the legal existence of the legislature, chose to abstain from voting. The other elected the delegates who formed the constitution. The validity of the instrument he has been denied, because it was not submitted for popular ratification. He held this position to be wholly untenable, and could but regard it as a gross departure from the principle of popular sovereignty. A people—he used the word in its strict political sense—having the right to make for themselves their fundamental law, may either assemble in mass convention for that purpose, or may select delegates and limit

their power to the preparation of an instrument to be submitted to a popular decision; or they may appoint delegates with full powers to frame the fundamental law of the land. Whether they adopt one mode or the other is a question with which others have no right to interfere, and he who claims for Congress the power to sit in judgment on the manner in which a people may form a constitution, is outside of the barrier which would restrain him from claiming for Congress the right to dictate the instrument itself. If the right existed to form a constitution at all, the power of Congress in relation to the instrument was limited to the simple inquiry: is it republican? In this view of the case it would not matter to him the ninety-ninth part of a hair whether a people should choose to admit or exclude slave property. Their right to enter the Union would be a thing apart from that consideration.

He had felt great doubt as to the propriety of admitting Kansas, and had only yielded those doubts to the peculiar necessities which seemed to make the case exceptional. The inhabitants of the territory had however decided not to enter the Union upon the terms proposed, and he thought their decision was fortunate. They had not the requisite population; their resources were too limited to give assurance that they would be able to bear the expenses of their government and properly to perform the duties of a State. But more than this, their legislative history shows that they are wanting in the essential characteristics of a community; whichever party has had the control of the legislature, has manifested by its acts not a desire to promote the public good, and protect individual rights, but a purpose to war upon their political opponents as a hostile power. The political party with which he most sympathized had marked its legislation by requiring test oaths, offensive to all our notions of political freedom; and the other party had assumed to take from the territorial executive the control of the militia and to place it in irresponsible hands, where, if reports speak truly, it has been employed in the most wanton outrages and disgraceful persecution of citizens of the opposite political party. He held, therefore, that the decision of the inhabitants was fortunate and wise. It was well, that before they assume the responsibilities of a State, they should gather population, develope the natural resources of the country, and above all acquire the homogeneous character which would give security to person and property, and fit them to be justly denominated a community.

A stranger, and but a passing observer of events in Maine, he had nevertheless seen indications of a reaction in popular opin-

ion, which promised hopefully for the future of Democracy, *hopefully*, it might be permitted for one to say who believed that the success of the Democracy was the only hope for the maintenance of the constitution and the perpetuation of the Union which sprung from and cannot outlive it. If the language of his friend who preceded him should prove prophetic, the waving of the banner he described would be the dawning of a day which would bring gladness and confidence to many a heart now clouded with distrust, and loud would be the cheers which, on distant plain and mountain, would welcome Maine again to her position on the top of the Democratic pyramid. He saw a brighter sky above him; he felt a firmer foundation beneath his feet, and hoped ere long through a triumph achieved by the declaration of principles, suited to every latitude and longtitude of the United States, to receive the assurance that we have passed the breakers—that our ship may henceforth float freely on—that our flag, no longer threatened with mutilation or destruction, shall throw its broad stripes to the breeze and gather stars until its constellation shines a galaxy, and records a family of States embracing the new world and its adjacent islands.

Speech of Jefferson Davis at State Fair at Augusta, Me.

(From the Eastern Argus, Sept. 29, 1858.)

On Thursday evening a large and brilliant audience assembled in the Representatives' Hall, in the Capitol, to listen to the distinguished statesman from Mississippi, who, upon brief notice and without a moment's leisure for preparation, had kindly consented to address the Agricultural Society. We have already spoken of the gratifying character of what he termed his desultory remarks and of the cordially enthusiastic manner in which both the orator and his address were received. As the occasion, as well as the character of the remarks, will make them interesting to the whole people of our State, we are gratified in being able to lay before our readers a more extended and accurate report of them than has before appeared.

At about half-past eight o'clock, the Society came into the Hall, already crowded in every part, and its President, Hon. Samuel F. Perley, in brief and complimentary terms, introduced Col. Davis, who advanced to the speaker's stand, and was received with loud and prolonged applause. He said:

Ladies and gentlemen, friends and countrymen: To the many acts of kindness received from the people of Maine, I have

to add the welcome reception this evening. The invitation of the Agricultural Society, with the attendant circumstances, serve further to impress me with the hospitality of my fellow citizens of this State. Coming here, an invalid, seeking the benefits which your clime would afford, and preceded by a reputation which was expected to prejudice you unfavorably towards me, I have everywhere met courtesy and considerate attention, from the hour I landed on your coast to the present time. It was natural to ask, whence come these manifestations? Is it because the opinion which had been formed has been found to be unjust, and the reaction has been in proportion to the previous impulse? Or is it the exhibition of your regard for loyalty to one's friends, and devotion by a citizen to the community to which he belongs? Either the one or the other is honorable to you; but there is a broader and more beneficent motive—the prompting of that sentiment which would cause you to recognize in every American citizen a brother. That feeling which Daniel Webster indicated when he met me in company with your distinguished townsman, ex-Senator Bradbury, and taking us with the right hand and with the left, said in the peculiarly impressive manner which belonged to him, "My brethren of the North and of the South, how are ye?"

It is usual to offer to an Agricultural Society nothing less than a prepared address, and had I come with an intention to speak to you, I should not have failed to make that preparation which is evidence of due regard for the audience. The invitation under which I now speak, having been given and accepted this evening, I have no power to do more than to offer you desultory remarks on such subjects as my visit to the Fair have suggested, and which may occur to me as I progress.

With great pleasure I have witnessed evidences of much attention and deep interest in agriculture. It is the basis of all wealth. It is the producer—brings all new contributions to the general store. The mechanic arts are essential to its success, and they serve by changing the form, to multiply the value of agricultural products. And commerce too, by exchanging the products of individuals and of countries, enhances the value of labor, and increases the comfort of man. They are all essential to each other. I have no disposition to magnify or depreciate either, but my proposition is, that the soil is the source from which human wealth springs. In addition to these pursuits, society requires what are termed liberal professions. They are not producers, though they may contribute, by diffusing knowledge, to increase production. They may be necessary to give

security to property and to take care of some physical wants. For instance you have lawyers and doctors; and the less need you have of them the better; for though necessary, like government, it is evil which makes them so. As to another class—those who have the cure of souls—their mission is so sacred, their function so high as to place them beyond comment; and of them I have nothing to say, except that I propose to say nothing.

Among the products of agriculture I of course intended to include the farmer's stock, and I must here bear my tribute of admiration to the fine display which has been made of horned cattle; particularly of work oxen, remarkable for their size, their adaptation to the purposes for which they are kept and the docility and yet the unflagging spirit which they manifested in the trials of strength and of deep ploughing. I have not before seen such fine specimens of the Devon cattle,—of course I speak of them as they present themselves to the eye—not pretending to judge of their relative value to other stock exhibited. Improvement in the breed of domestic animals goes hand in hand with agricultural mechanism, to give the ability to make two blades of grass to grow where but one grew before, and thus to render you indeed benefactors. Skill in the use, and ingenuity in devising and constructing implements, serve to render labor productive, and relieve it of its most dreary drudgery. It is this mechanical ingenuity which has compensated for the high price of labor among us, and aided in the development of resources which makes our country the greatest of the earth. Blest by soil, climate and government, if we are, as claimed, pre-eminent among nations, it is because we have added to other advantages a more general cultivation of the mind. The superiority is attributable not so much to physical energy, activity and perseverance, as to the improvement of that portion of the man which lies above the eyes.

Though you have done much for the improvement of agricultural implements, your work is far from being completed. It is not a little surprising that we should, to this day, have no reliable rule by which to make a plough, and though the model has been improved, certainly it is yet not unlike, and so far as exact science is concerned, is on a par with that implement as used by the Romans, and as it appeared in ancient architecture; the form, proportion and angular relation of the parts, and the adjustment of the whole to the power to be applied, offer problems alike interesting to the mechanic, and useful to the cultivator. In your ploughing matches sufficient evidence was afforded of the fitness of the implements employed to turn deep

and wide furrows; but should we be content with such result as is obtained by trying different models, and then copying one which is found to be good?

Maine was so richly endowed with harbors and forests of ship timber that it was naturally to be expected, as it has fallen out, that the pursuits of navigation would most occupy the attention of her people. But let not her sons look to the period when her forests have disappeared as that beyond which her prosperity may not continue. There are large tracts of land which when labor is no longer directed to lumber, will become, in the hands of the farmer, what the valley of the Kennebec now is. The land may not offer soil so deep as alluvial districts, nor be at first as productive as those on which a deep vegetable mould has accumulated, yet its productiveness may not be less permanent than those. In them the elements which support the farmer's crop may be exhausted by cultivation or carried down into substrata of gravel or sand. In the remote West to which so many are pressing, the emigrant will encounter an arid climate in which irrigation is necessary to ensure a return for the labor of husbandry, and this involves an original expenditure which it will usually require large capital to bear. In this climate the sun, like a mighty pump, is daily raising the water which the currents of cold air from the mountains, or from the sea, precipitate in the form of genial showers during the period of your growing crops; and the granite of the mountains slowly, but steadily disintegrating, gives up its fertilizing property to be scattered by unseen hands over plain and over valley. With care and with skill in its use I can see no end to the productiveness of that portion of your land which is fit for cultivation.

Your crops, and your mode of tillage are different from that to which I am accustomed, and the result is that each supplies a different segment in the circle of man's wants. I am glad that it is so, that it must necessarily be so. Glad, because it is an everlasting bond between us; one which, whilst it binds, renders both doubly prosperous. Blessed is our lot in this, that our fathers linked us together, and established free trade between us. In the diversity of climate, and of crops, there is an assurance that entire failure cannot occur. If disaster and blight should fall upon one section, it need not go to a foreign land in search of bread. Famine, gaunt famine, with its skeleton step, can never pass our borders whilst the free trade of the Union continues.

But difference in pursuits, in population, and domestic institutions, have been made the basis of hostile agitation, and urged

as a cause of separation. To my mind the reverse would be the rational conclusion. Each exchanging the surplus of that which it can best produce for the surplus of another which it most requires, the benefit must be mutual, and the advantage common. Here is a commercial, a selfish bond to hold us together. But I will stop here, because the current of my thought is carrying me beyond the limit of topics proper to the occasion, and I must offer as an apology the fact, that though myself a cultivator of the soil, my mind has for several years been given so much to political subjects, that in speaking without having previously arranged what to say, the thought inadvertently runs from the matter I wished to present, into collateral questions of governmental concern. Before turning back, however, into the original channel, permit me to say that the diversity of which I have been speaking formed no small inducement to the union of the States, and that it has been through that union that we have attained to our present position, and stand to-day, all things considered, the happiest, and among the greatest in the family of nations.

In looking around upon the evidences you have brought of mechanical and agricultural improvement. I have viewed it not with the curiosity of a stranger, but with the interest of one who felt that he had a part in it, as an exhibition of the prosperity of his country. The whole confederacy is my country, and to the innermost fibres of my heart I love it all, and every part. I could not if I would, and would not if I could, dwarf myself to mere sectionality. My first allegiance is to the State of which I am a citizen, and to which by affection and association I am personally bound; but this does not obstruct the perception of your greatness, or admiration for much which I have found admirable among you.

Yankee is a word once applied to you as a term of reproach, but you have made it honorable and renowned. You have borne the flag of your country from the time when it was ridiculed as a piece of striped bunting, until it has come to be known and respected wherever the ray of civilization has reached; and your canvass-winged birds of commerce have borne civilization into regions, where it is not boasting to say, but for your prowess it would not have gone. You have a right to be proud of your achievements as well on the land as the sea. Well may you point as you do with satisfaction, to your school-houses and your work-shops, and to the fruits they have borne on the forum and in the council chamber, and in the manufactures which have increased the comforts of our own people, and have encircled the

globe to find exchangeable products required at home. Those are the greatest and most beneficent triumphs—the triumph of mind over matter. These are the monuments of greatness, which resist both time and circumstance.

I have spoken of diversity among the people of the United States; yet there is probably greater similitude than is to be found elsewhere over the same extent of country, and in the same number of people. In language, especially, our people are one; surely much more so than those of any other country. The diversity between the people of the different States, even those most remote from each other, is not as great as that between inhabitants of adjoining counties of England, or departments of France or Spain, where provinces have their separate dialects. And chief among the causes for this I would place the primary book, in which children of my day learned their letters, and took their first lessons in spelling and reading. I refer to the good old spelling book of Noah Webster, on which I doubt if there has been any improvement, and which had the singular advantage of being used over the whole country. To this unity of language and general similitude, is to be added a community of sentiment wherever the American is brought into contrast or opposition to any other people.

If shadows float over our disc and threaten an eclipse; if there be those who would not avert, but desire to precipitate catastrophe to the Union, these are not the sentiments of the American heart; they are rather the exceptions and should not disturb our confidence in that deep seated sentiment of nationality which aided our fathers when they entered into the compact of union, and which has preserved it to us. You manifest that sentiment to-day in the courtesy which you have extended to me. In what other land could a countryman go so far from his home and receive among strangers the attention which could only be expected from friends? But it is not your kindness only, which has caused me here to feel at home; I have been brought in contact with men of my own pursuit, the tillers of the ground and the breeders of stock; and in my intercourse with this class of your citizens, I have been further confirmed in the high estimate heretofore placed upon that portion of our population. Happily for our country and its institutions, extensive territory and favorable climate, have attracted a large part of our population to agricultural pursuits. It is in the individuality, the sobriety, and self-reliance of the rural population that I look for the highest development of those qualities essential to self-government, and the brightest illustration of patriotic de-

votion. They may not be the best informed, but learning and wisdom are by no means equivalent terms. Isolation and entire dependence upon himself, give independence of character and favor that self-inquiry which best enables man to comprehend and measure the motives of his fellow. Crowded together in cities originality is lost, mind becomes as it were macadamized; and though the intercourse is favorable to the acquisition of knowledge, it is most unfriendly to that individuality, independence, and purity, without which republican governments rapidly sink into decay. It was probably in this view that Mr. Jefferson said, great cities were sores upon the body politic. Needful for the purposes of commerce, required for the exchanges on which agricultural and manufacturing industry depend for their prosperity,—they are not evils which we could desire to see abated. My desire, however, is, that the rural districts shall not lose their relative importance or cease to control in public affairs. Misled and deceived they may be, interested in a public wrong they cannot be, and theirs is the sober thought upon which reliance must be placed for the correction of errors and delusions, which may temporarily prevail.

In societies like this the farmers have the opportunity of comparing opinions and results, and thus increasing the amount of their knowledge. The spirit of emulation which is excited must lead to improvement, by better directing energy in their pursuit. The publication of the results and the comparisons thus instituted with what is done in other States, encourages State pride and developes community feeling. Whatever tends to the cultivation of the idea of State sovereignty and community independence, strengthens the foundation on which rests our federal government—the fruition of that principle which led our fathers into the war of the revolution, where they purchased with their blood the rich inheritance transmitted to us.

Man once received the title of Domitor Equi, he being proud of the achievement of taming the horse, and then, so far as we can learn, gentler woman sat like Penelope handling the distaff. Subsequently there arose a race of Amazons, who, aspiring to the feats of man, lost the gentleness of woman; but in our happy land and day, rising above the one without running to the excess of the other, lovely woman, with all the gentle charms which graced a Penelope, musters her energy when occasion requires, and displays her prowess in commanding the horse. Among the interesting features of the exhibition I shall remember the equestrianism of the ladies. Though it was beautiful in

every sense of the word, it was not regarded as mere sport, but the rather looked upon as part of that mental and physical training which makes a woman more than the mere ornament of the drawing-room—fits her usefully to act her appropriate part in the trying scenes to which the most favored may be subjected —to become the mother of heroes, and live in the admiration of posterity.

Fears had once been entertained and much opposition was formerly made to an extension of the area of the United States. A wiser policy, however, prevailed, and the introduction of new regions, increasing the variety of our productions, have magnified the advantages of free trade between the States, and made us almost independent of other countries for the supply of every object whether of necessity or of luxury. I would be glad to extend our boundary and make the circle of our products complete, so that, whilst we would encourage commerce with christendom we should be, commercially as we are politically, absolutely independent, whenever it should be proper or necessary to terminate intercourse with any or every other country. A statesman of former days wished that the Atlantic was a sea of fire, that it might be a barrier to shut out European contamination. Whatever fear was once justifiable, no apprehension now need to exist, that our people will imitate or seek to adopt the political theories of Europe. We have recently rejoiced in the success of the attempt to establish telegraphic communication with England; because in closer commercial ties we saw no danger of political influence. I was happy this evening to receive assurances that the success of that enterprise was at last complete. I have not been of those whose doubts were stronger than their hopes—thanks to a sanguine temperament. I have from the beginning anticipated success, and have heretofore said that if the present attempt failed I was sure that Yankee enterprise and skill could make a cable and lay it across the Atlantic. And we look forward to the result with hope, not doubting, that the closest commercial connexion with other countries can only bring to us benefits. We are not, and have not been, political propagandists, yet believing our form of government the best, we properly desire its extension and invite the world to scrutinize our example of representative liberty.

The stars on our flag, recording the number of the States united, have already been more than doubled; and I hopefully look forward to the day when the constellation shall become a galaxy covering the stripes, which record the original number of our political family, and shall shed over the nations of the

earth the light of regeneration to mankind. It has sometimes been said to be our manifest destiny that we should possess the whole of this continent. Whether it shall ever all be part of the United States is doubtful, and may never be desirable; but that in some form or other, it should come under the protectorate or control of the United States, is a result which seems to me, in the remote future, certain. It waits as the consequence upon intellectual vigor, upon physical energy, upon the capacity to govern, and can only be defeated by a suicidal madness, of which it does not belong to the occasion to treat.

I would not be understood to advocate what is called filibustering. Our country has never obtained territory except fairly, honorably and peaceably. We have conquered territory, but have asserted no title as the right of conquest, returning to Mexico all except the part she agreed to sell and for which we paid a liberal price. England having filibustered around the world, has reproached us for aggrandizement, and we point to history and invite a comparison. There is no stain upon our escutcheon, no smoke upon our garments, and thus may they remain pure forever! The acquisitions of which I spoke, the protectorate which was contemplated, were such as the necessities of the future should demand, and the good of others as much as our own require, and this step by step, faster or slower, will, I believe, finally embrace the continent of America and its adjacent islands.

I am not among those who desire to incorporate into our Union, countries densely populated with a different race. Deserts, 'tis the province of our people to subdue. A mere handful of inhabitants, such as existed in Louisiana, are soon enveloped in the tide of immigration; of this character of acquisition I have no fear; but the mingling of races is a different thing. I have looked with interest and pleasure upon the crosses of your cattle and horses, and saw in it the evidence of improvement. Let your Messengers, your Morgans, your Drews, and your Eatons be mingled with each other and with new importations; so with your Durhams, Devons, Ayreshires and your Jerseys. The limit to these experiments will be where experience shows deterioration. There is one cross which it is to be hoped you will avoid: 'tis that which your Puritan fathers would not adopt or even entertain. They kept pure the Caucasian blood which flowed in their veins, and therein is the cause of your present high civilization, your progress, your dignity and your strength. We are one, let us remain unmixed. In our neighbors of Southern and Central America we have a sufficient warning; and

may it never be our ill-fortune to learn by experience the lessons taught by their example.

It is due to the hospitality and kind consideration with which I have been treated since I first came among you that I should not leave you under any doubt in relation to the accusations which have been busily circulated against me. And this, it is to be hoped, will not be mistaken for egotism, since the greatest interest I have in doing so is to justify you to yourselves. I know of no selfish purpose, unless a proper desire for esteem be such, which would lead me to attempt to undeceive you, so far as any of you may have been imposed upon. I certainly do not expect to change my residence from the State in which I was reared; and I long since avowed the intention never again to receive official trust from any other authority than that of the people of the State of which I am a citizen. It has been represented to you that you were showering attentions upon one who was hostile to your interests, and regardless of your rights. I am grateful to you for the constant evidence you have given that you discredited the statement, and I am therefore the more anxious that you should not remain in doubt. The public record contains all I have said and done, and in it nothing can be found to sustain the statement. Of this I am quite sure, because it has always been with me a principle to exercise public functions in the spirit of the Constitution and the purposes of the Union. If I know myself, I have never given a vote from a feeling of hostility to any portion of our common country; but have always kept in view the common obligation for the common welfare, and desired by maintaining the constitution in each and every particular, to perpetuate the blessings it was designed to secure, and to transmit the inheritance received from our fathers unmutilated and uncontaminated to remotest posterity. In some positions it has devolved upon me to study interests in Maine, with a view to secure for them proper provision, and I feel that I am justified in saying they were considered as became one who had sworn to protect the Constitution, and who had a function to perform in relation to a sovereign State of the Union. Heretofore I have been prompted merely by what I believed to be duty to you from me as an officer under the Constitution. Hereafter, though the principles on which I will act cannot vary, I should be less than a man if I did not feel deeper interest in whatever concerns you. I shall always bear with me most pleasurable recollections of my sojourn among you, and hope it may be my good fortune some day to meet some of you in Missis-

sippi, and thus have it in my power to reciprocate, imperfectly it may be, the kindness which you bestowed upon me. I thank you for your polite attention, and cordially wish for you, one and all, present and future prosperity.

Speech of Jefferson Davis at the Grand Ratification Meeting, Faneuil Hall, Monday evening, Oct. 11th, 1858.

Countrymen, Brethren, Democrats—Most happy am I to meet you, and to have received here renewed assurance—of that which I have so long believed—that the pulsation of the democratic heart is the same in every parallel of latitude, on every meridian of longtitude throughout the United States. But it required not this to confirm me in a belief so long and so happily enjoyed.—Your own great statesman who has introduced me to this assembly has been too long associated with me, too nearly connected, we have labored too many hours, sometimes even until one day ran into another, in the cause of our country, for me to fail to understand that a Massachusetts democrat has a heart comprehending the whole of our wide Union, and that its pulsations always beat for the liberty and happiness of its country. Neither could I be unaware such was the sentiment of the democracy of New England. For it was my fortune lately to serve under a President drawn from the neighboring State of New Hampshire, [applause,] and I know that he spoke the language of his heart, for I learned it in four years of intimate connection with him, when he said he knew "no north, no south, no east, no west, but sacred maintenance of the common bond and true devotion to the common brotherhood." Never, sir, in the past history of our country, never, I add, in its future destiny, however bright it may be, did or will a man of higher and purer patriotism, a man more devoted to the common weal of his country, hold the helm of our great ship of State, than that same New Englander, Franklin Pierce. [Applause.]

I have heard the resolutions read and approved by this meeting; heard the address of your candidate for Governor; and these added to the address of my old and intimate friend, Gen. Cushing, bear to me fresh testimony, which I shall be happy to carry away with me, that the democracy, in the language of your own glorious Webster, "still lives," lives not as his great spirit, when it hung 'twixt life and death, like a star upon the horizon's verge, but lives like the germ that is shooting upward, like the sapling that is growing to a mighty tree, the branches of

which will spread over the commonwealth, and may redeem and restore Massachusetts to her once glorious place in the Union.

As I look around me and see this venerable hall thus thronged, it reminds me of another meeting, when it was found too small to contain the assembly—that great meeting which assembled here, when the people were called upon to decide what should be done in relation to the tea-tax. Faneuil Hall, on that occasion, was found too small, and the people went to the Old South Church, which still stands—a monument of your early history. And I hope the day will soon come when many Democratic meetings in Boston will be too large for Faneuil Hall! [Applause.] I am welcomed to this hall, so venerable for its associations with our early history; to this hall of which you are so justly proud, and the memories of which are part of the inheritance of every American citizen; and feel, as I remember how many voices of patriotic fervor have here been heard; that in it originated the first movements from which the Revolution sprung; that here began that system of town meetings and free discussion which is the glory and safety of our country; that I had enough to warn me, that though my theme was more humble than theirs, (as befitted my poorer ability,) that it was a hazardous thing for me to attempt to speak in this sacred temple. But when I heard your statesman (Gen. Cushing) say, that a word once here spoken never dies, that it becomes a part of the circumambient air, I felt a reluctance to speak which increases upon me as I recall his expression. But if those voices which breathed the first instincts into the Colony of Massachusetts, and into those colonies which formed the United States, to proclaim community independence, and asserts it against the powerful mother country,—if those voices live here still, how must they feel who come here to preach treason to the Constitution, and assail the Union it ordained and established? [Applause.] It would seem that their criminal hearts should fear that those voices, so long slumbering, would break their silence, that the forms which look down from these walls behind and around me, would walk forth, and that their sabres would once more be drawn from their scabbards, to drive from this sacred temple fanatical men, who desecrate it more than did the changers of money and those who sold doves, the temple of the living God. [Loud cheers.]

And here, too, you have, to remind you, and to remind all who enter this hall, the portraits of those men who are dear to every lover of liberty, and part and parcel of the memory of every American citizen. Highest among them all I see you have placed

Samuel Adams and John Hancock. [Applause.] You have placed them the highest and properly; for they were the two, the only two, excepted from the proclamation of mercy, when Governor Gage issued his anathema against them and their fellow patriots. These men, thus excepted from the saving grace of the crown, now occupy the highest place in Faneuil Hall, and thus are consecrated highest in the reverence of the people of Boston. [Applause.] This is one of the instances in which we find tradition more reliable than history; for tradition has borne the name of Samuel Adams to the remotest corner of our territory, placed it among the household words taught to the rising generation, and there in the new States intertwined with our love of representative liberty, it is a name as sacred among us as it is among you of New England. [Applause.]

We remember how early he saw the necessity of *community independence*. How, through the dim mists of the future, and in advance of his day, he looked forward to the proclamation of that independence by Massachusetts; how he steadily strove, through good report and evil report, with the same unwavering purpose, whether in the midst of his fellow citizens, cheered by their voices, or whether isolated, a refugee, hunted as a criminal, and communing with his own heart, now under all circumstances his eye was still fixed upon his first, last hope, the community independence of Massachusetts! And when we see him, at a later period, the leader in that correspondence which waked the feelings of the other colonies and brought into fraternal association the people of Massachusetts with the people of other colonies—when we see his letters acknowledging the receipt of the rice of South Carolina, the flour, the pork, the money of Virginia, Maryland, New York, Pennsylvania, and others, contributions of affection to relieve Boston of the sufferings inflicted upon her when her port was closed by the despotism of the British crown—we there see the beginning of that sentiment which insured the co-operation of the colonies throughout the desperate struggle of the Revolution, and which, if the present generation be true to the compact of their sires, to the memory and to the principles of the noble men from whom they descended, will perpetuate for them that spirit of fraternity in which the Union began. [Applause.]

But it is not here alone, nor in reminiscences connected with the objects which present themselves within this hall, that the people of Boston have much to excite their patriotism and carry them back to the great principles of the revolutionary struggle. Where in this vicinity will you go and not meet some monument

to inspire such sentiments? On one side are Lexington and Concord, where sixty brave countrymen came with their fowling pieces to oppose six hundred veterans,—where peaceful citizens animated by the love of independence and covered by the triple shield of a righteous cause, finally forced those veterans back, and pursued them on the road, fighting from every barn, and bush, and stock, and stone, till they drove them to the shelters from which they had gone forth! [Applause.] And there on another side of your city stand those monuments of your early patriotism, Breed's and Bunker's Hill, whose soil drank the sacred blood of men who lived for their country and died for mankind! Can it be that any of you tread that soil and forget the great purposes for which those men bravely fought, or nobly died? [Applause.] While in yet another direction rise the Heights of Dorchester, once the encampment of the great Virginian, the man who came here in the cause of American independence, who did not ask "Is this a town of Virginia?" but, "Is this a town of my brethren?" who pitched his camp and commenced his operations with the steady courage and cautious wisdom characteristic of Washington, hopefully, resolutely waiting and watching for the day when he could drive the British troops out of your city. [Cheers.]

Here, too, you find where once the Old Liberty Tree, connected with so many of your memories, grew. You ask your legend, and learn that it was cut down for firewood by the British soldiers, as some of your meeting houses were pulled down. They burned the old tree, and it warmed the soldiers enough to enable them to evacuate the city. [Laughter.] Had they been more slowly warmed into motion, had it burned a little longer, it might have lighted Washington and his followers to their enemies.

But they were gone, and never again may a hostile foe tread your shore. Woe to the enemy who shall set his footprint upon your soil; he comes to a prison or he comes to a grave! [Applause.] American fortifications are not intended to protect our country from invasion. They are constructed elsewhere as in your harbor to guard points where marine attacks can be made; and for the rest, the breasts of Americans are our parapets. [Applause.]

But, my friends, it is not merely in these military associations, so honorably connected with the pride of Massachusetts, that one who visits Boston finds much for gratification. If I were selecting a place where the advocate of strict construction of the Constitution, the extreme asserter of democratic state

rights doctrine should go for his text, I would send him into the collections of your historical association. Instead of finding Boston a place where the records would teach only federalism, he would find here, in bounteous store, that sacred doctrine of state rights, which has been called the extreme and ultra opinion of the South. He would find among your early records that at the time when Massachusetts was under a colonial government, administered by a man appointed by the British crown, guarded by British soldiers; the use of this old Faneuil Hall was refused by the town authorities to a British Governor, to hold a British festival, because he was going to bring with him the agents for collecting, and naval officers sent here to enforce, an unconstitutional tax upon your commonwealth. Such was the proud spirit of independence manifested even in your colonial history. Such the great stone your fathers hewed with sturdy hand, and left the fit foundation for a monument to state rights! [Applause.] And so throughout the early period of our country you find Massachusetts leading, most prominent of all the States, in the assertion of that doctrine which has been recently so much decried.

Having achieved your independence, having passed through the confederation, you assented to the formation of our present constitutional Union. You did not surrender your state sovereignty. Your fathers had sacrificed too much to claim as the reward of their trials that they should merely have a change of masters. And a change of masters it would have been had Massachusetts surrendered her State sovereignty to the central government, and consented that that central government should have the power to coerce a State. But if this power does not exist, if this sovereignty has not been surrendered, then, I say, who can deny the words of soberness and truth spoken by your candidate this evening, when he has plead to you the cause of State independence, and the right of every community to be the judge of its own domestic affairs? [Applause.] This is all we have ever asked—we of the South, I mean,—for I stand before you one of those who have been called the ultra men of the South, and I speak, therefore, for that class; and tell you that your candidate for Governor has asserted to-night everything which we have claimed as a right, and demanded as a duty resulting from the guarantees of the Constitution, made for our mutual protection. [Applause.] Nor is here alone in that such doctrine is asserted, the like it has been my happiness to hear in your daughter, the neighboring State of Maine. I have found that the democrats there asserted the same broad, consti-

tutional principle for which we have been contending, by which we are willing to live, for which we are willing to die! [Loud cheers and cries of "good!"]

In this state of the case, my friends, why is the country agitated? What is there practical or rational in the present excitement? Why, since the old controversies, with all their lights and shadows, have passed away, is the political firmament covered by one dark pall, the funeral shade of which increases with every passing year?

Why is it, I say, that you are thus agitated in relation to the domestic affairs of other communities? Why is it that the peace of the country is disturbed in order that one people may assume to judge of what another people should do? Is there any political power to authorize such interference? If so, where is it? You did not surrender your sovereignty. You gave to the federal government certain functions. It was your agent, created for specified purposes. It can do nothing save that which you have given it power to perform. Where is the grant of the Constitution which confers on the federal government a right to determine what shall be property? Surely none such exists; that question it belongs to every community to settle for itself: you judge in your case; every other State must judge in its case. The federal government has no power to create or establish; more palpably still, it has no power to destroy property. Do you pay taxes to an agent that he may destroy your property? Do you support him for that purpose? It is an absurdity on the face of it. To ask the question is to answer it. The government is instituted to protect, not to destroy property. In abundance of caution, your fathers provided that the federal government should not take private property, even for its own use, unless by making due compensation therefor. One of its great purposes was to increase the security of property, and by a more perfect union of forces, to render more effective protection to the States. When that power for protection becomes a source of danger, the purpose for which the government was formed will have been defeated, and the government can no longer answer the ends for which it was established.

Why, then, in the absence of all control over the subject of African slavery, are you agitated in relation to it? With Pharisaical pretension it is sometimes said it is a moral obligation to agitate, and I suppose they are going through a sort of vicarious repentance for other men's sins. [Laughter.] Who gave them a right to decide that it is a sin? By what standard do they measure it? Not the Constitution; the Constitution recognizes

the property in many forms, and imposes obligations in connection with that recognition. Not the Bible; that justifies it. Not the good of society; for if they go where it exists, they find that society recognizes it as good. What, then, is their standard? The good of mankind? Is that seen in the diminished resources of the country? Is that seen in the diminished comfort of the world? Or is not the reverse exhibited? Is it in the cause of Christianity? It cannot be, for servitude is the only agency through which Christianity has reached that degraded race, the only means by which they have been civilized and elevated. Or is their charity manifested in denunciation of their brethren who are restrained from answering by the contempt which they feel for a mere brawler, whose weapons are empty words? [Applause.]

What, my friends, must be the consequences of this agitation? Good or evil? They have been evil, and evil they must be only, to the end. Not one particle of good has been done to any man, of any color, by this agitation. It has been insidiously working the purpose of sedition, for the destruction of that Union on which our hopes of future greatness depend.

On the one side, then you see agitation, tending slowly and steadily to that separation of the states, which, if you have any hope connected with the liberty of mankind, if you have any national pride in making your country the greatest of the earth, if you have any sacred regard for the obligation which the acts of your fathers entailed upon you,—by each and all of these motives you are prompted to united and earnest effort to promote the success of that great experiment which your fathers left it to you to conclude. [Applause.] On the other hand, if each community, in accordance with the principles of our government, whilst controlling its own domestic institutions, faithfully struggles as a part of a united whole, for the common benefit of all, the future points us to fraternity, to unity, to cooperation, to the increase of our own happiness, to the extension of our useful example over mankind, and the covering of that flag, whose stars have already more than doubled their original number, [applause,] with a galaxy to light the ample folds which then shall wave either the recognized flag of every state, or the recognized protector of every state upon the continent of America. [Applause.]

In connection with the idea, which I have presented of the early sentiment of community independence, I will add the very striking fact that one of the colonies, about the time that they had resolved to unite for the purpose of achieving their inde-

pendence, addressed the colonial congress to know in what condition they would be in the interval between their separation from the government of Great Britain and the establishment of the government for the colonies. The answer of the colonial congress was exactly that which might have been expected—exactly that which state rights democracy would answer to-day, to such an inquiry—that they must take care of their domestic polity, that the congress "had nothing to do with it." [Applause.] If such sentiment continued—if it governed in every state—if representatives were chosen upon it—then your halls of legislation would not be disturbed about the question of the domestic concerns of the different states. The peace of the country would not be hazarded by the arraignment of the family relations of people over whom the government has no control. In harmony working together, in co-intelligence for the conservation of the interests of the country, in protection to the states and the development of the great ends for which the government was established, what effects might not be produced? As our government increased in expansion, it would increase in its beneficent influence upon the people; we should increase in fraternity; and it would be no longer a wonder to see a man coming from a southern state to address a Democratic audience in Boston. [Applause, cries of "good, good."]

But I have referred to the fact that, at an early period, Massachusetts stood pre-eminently forward among those who asserted community independence. And this reminds me of an incident, in illustration, which occurred when President Washington visited Boston, and John Hancock was Governor. The latter is reported to have declined to call upon the President, because he contended that every man who came within the limits of Massachusetts must yield rank and precedence to the Governor of the State; and only surrendered the point on account of his personal regard and respect for the character of George Washington. I honor him for it,—value it as one of the early testimonies in favor of State Rights, and wish all our governors had the same high estimate of the dignity of the office of Governor of a State as had that great and glorious man. [Applause.]

Thus it appears that the founders of this government were the true Democratic States Rights men. That Democracy was States rights, and States rights was Democracy, and it is to-day. Your resolutions breathe it. The Declaration of Independence embodies the sentiment which had lived in the hearts of the people for many years before its formal assertion. Our fathers asserted that great principle—the right of the people to

choose the government for themselves—that government rested upon the consent of the governed. In every form of expression it uttered the same idea, *community independence,* and the dependence of the government upon the community over which it existed. It was an American principle, the great spirit which animated our country then, and it were well if more inspired us now. But I have said that this State sovereignty—this community independence—has never been surrendered, and that there is no power in the federal government to coerce a State. Does any one ask, then, how it is that a State is to be held to its obligations? My answer is: by *its honor,* and the obligation is the more sacred to observe every feature of the compact, because there is no power to force obedience. The great error of the confederation was that it attempted to act upon the States. It was found impracticable, and our present form of government was adopted, which acts upon individuals and does not attempt to act upon States.

The question was considered in the convention which framed the constitution, and after discussion the proposition to give power to the general government to enforce upon a resistant State obedience to the law was rejected. It was upon this ground of exemption from compulsion that the compact of the States became a sacred obligation; and it was upon this honorable fulfilment principally that our fathers depended for the security of the rights which the Constitution was designed to secure. [Applause.]

The fugitive slave compact in the Constitution of the United States implied that the States should fulfil it voluntarily. They expected the States to legislate so as to secure the rendition of fugitives.

And in 1788 it was a matter of complaint that the colony of Florida did not restore fugitive negroes from the United States who escaped into that colony, and a committee, composed of Hamilton, of New York, Sedgwick, of Massachusetts, and Madison, of Virginia, reported resolutions in the Congress instructing the committee for foreign affairs to address the *chargé d'affaires* at Madrid to apply to his majesty of Spain to issue orders to his governor to compel them to secure the rendition of fugitive negroes to any one who should go there entitled to receive them. This was the sentiment of the committee, and they added, by way of example, as the States would return any slaves from Florida who might escape into their limits.

When the Constitutional requirement was imposed, who could have doubted that every State faithful to its obligations would

comply without raising questions as to whether the institution should or should not exist in another community over which they had no control. Congress was at last forced by the failures of the States, to legislate on the subject, and this has been one of the causes by which you have been disturbed. You have been called upon to make war against a law which would never have been enacted, if each State had faithfully discharged the obligation imposed by the compact of the Constitution. [Cheers.]

There is another question connected with this negro agitation. It is in relation to the right to hold slaves in the Territories. What power has Congress to declare what shall be property? None, in the territory or elsewhere. Have the States by separate legislation the power to prescribe the condition upon which a citizen may enter on and enjoy the common property of the United States? Clearly not. Shall those who first go into the territory, deprive any citizen of the United States subsequently emigrating thither, of those rights which belong to him as an equal owner of the soil? Certainly not. Sovereignty jurisdiction can only pass to these inhabitants when the States, the owners of that territory, shall recognize the inhabitants as an independent community, and admit it to become an equal State of the Union. Until then the Constitution and laws of the United States must be the rules governing within the limits of a territory. The Constitution recognizes all property; gives equal privileges to every citizen of the States; and it would be a violation of its fundamental principles to attempt any discrimination. [Applause.] Viewed in any of its phases, political, moral, social, general, or local, what is there to sustain this agitation in relation to other people's negroes, unless it be a bridge over which to pass into office—a ready capital in politics available to missionaries staying at home—reformers of things which they do not go to learn—preachers without an audience—overseers without laborers and without wages—war-horses who snuff the battle afar off, and cry: "Aha! aha! I am afar off from the battle." [Great laughter and applause.]

Thus it is that the peace of the Union is destroyed; thus it is that brother is arrayed against brother; thus it is that the people come to consider—not how they can promote each other's interests, but how they may successfully war upon them. And the political agitator like the vampire fans the victim to which he clings but to destroy.

Among culprits there is none more odious to my mind than a public officer who takes an oath to support the Constitution —the compact between the States binding each for the common

defence and general welfare of the other—yet retains to himself a mental reservation that he will war upon the principles he has sworn to maintain, and upon the property rights the protection of which are part of the compact of the Union. [Applause.]

It is a crime too low to be named before this assembly. It is one which no man with self-respect would ever commit. To swear that he will support the Constitution—to take an office which belongs in many of its relations to all the States; and to use it as a means of injuring a portion of the States of whom he is thus the representative; is treason to every thing honorable in man. It is the base and cowardly attack of him who gains the confidence of another, in order that he may wound him. [Applause.]

But we have heard it argued—have seen it published—a petition has been circulated for signers, announcing that there was an incompatibility between the sections; that the Union had been tried long enough, and that it had proved to be necessary to separate from those sections of the Union in which the curse of slavery existed. Ah! those modern saints, so much wiser than our fathers, have discovered an incompatibility requiring separation in those relations which existed when the Union was formed. They have found the remnants only of a diversity which existed when South Carolina sent her rice to Boston, and Maryland and Pennsylvania and New York brought in their funds for her relief.

They have found the remnants only; for from that day to this the difference between the people has been constantly decreasing, and the necessity for union which then arose in no small degree from the diversity of product, and soil and climate, has gone on increasing, both by the extension of our own territory and the introduction of new tropical products; so that whilst the difference between the people has diminished, the diversity in the products has increased, and that motive for union which your fathers found exists in a higher degree than it did when they resolved to be united.

Diversity there is of occupation, of habits, of education, of character. But it is not of that extreme kind which proves incompatibility, or even incongruity; for your Massachusetts man, when he comes to Mississippi, adopts our opinions and our institutions, and frequently becomes the most extreme southern man among us. [Great applause.] As our country has extended—as new products have been introduced into it, the free trade which blesses our Union, has been of increasing value.

And it is not an unfortunate circumstance that this diversity of pursuit and character has survived the condition which produced it. Originally it sprang in no small degree from natural causes. Massachusetts became a manufacturing and a commercial State because of the connection between her fine harbor and water power, resulting from the fact that the streams make their last leap into the sea, so that the ship of commerce brought the staple to the manufacturing power. This made you a commercial and manufacturing people. In the Southern States great plains interpose between the last leaps of the streams and the sea. Those plains most proximate to navigation, were the first cultivated, and the sea bore their products to the most approachable water power, there to be manufactured. This was the first cause of the difference. Then your longer and more severe winters—your soil not as favorable for agriculture, also contributed to make you a manufacturing and commercial people.

After the controlling cause had passed away—after railroads had been built—after the steam engine had become a motive power for a large part of machinery, the characteristics originally stamped by natural causes continued the diversity of pursuit. Is it fortunate or otherwise? I say it is fortunate. Your interest is to remain a manufacturing and ours to remain an agricultural people.

Your prosperity is to receive our staple and to manufacture it, and ours to sell it to you and buy the manufactured goods. [Applause.] This is an interweaving of interests, which makes us all the richer and all the happier.

But this accursed agitation, this offensive, injurious intermeddling with the affairs of other people, and this alone it is that will promote a desire in the mind of any one to separate these great and growing States. [Applause.]

The seeds of dissension may be sown by invidious reflections. Men may be goaded by the constant attempt to infringe upon rights and to traduce community character, and in the resentment which follows it is not possible to tell how far the case may be driven. I therefore plead to you now to arrest a fanaticism which has been evil in the beginning, and must be evil to the end. You may not have the numerical power requisite; and those at a distance may not understand how many of you there are desirous to put a stop to the course of this agitation. But let your language and your acts teach them to appreciate a faithful self-denying minority. I have learned since I have been in New England the vast mass of true State Rights Demo-

crats to be found within its limits —though not represented in the halls of Congress.

And if it comes to the worst; if, availing themselves of a majority in the two Houses of Congress, our opponents should attempt to trample upon the Constitution; to violate the rights of the States; to infringe upon our equality in the Union, I believe that even in Massachusetts, though it has not had a representative in Congress for many a day, the State Rights Democracy, in whose breasts beats the spirit of the revolution, can and will whip the Black Republicans. [Great applause.] I trust we shall never be thus purified, as it were, by fire; but that the peaceful progressive revolution of the ballot box will answer all the glorious purposes of the Constitutional Union. [Applause.]

I marked that the distinguished orator and statesman who preceded me in addressing you used the words *national* and *constitutional* in such relations to each other as to show that in his mind the one was a synonym of the other. And does he not do so with reason? We became a nation by the constitution; whatever is national springs from the constitution; and national and constitutional are convertible terms. [Applause.]

Your candidate for the high office of governor—whom I have been once or twice on the point of calling your governor, and whom I hope I may be able soon to call so, [applause]—in his remarks to you has presented the same idea in another form. And well may Massachusetts orators, without even perceiving what they are saying, utter sentiments which lie at the foundation of your colonial as well as your revolutionary history, which existed in Massachusetts before the revolution, and have existed since, whenever the true spirit which comes down from the revolutionary sires has been aroused into utterance within her limits. [Applause.]

It has been not only, my friends, in this increasing and mutual dependence of interest that we have formed new bonds. Those bonds are both material and mental. Every improvement in the navigation of a river, every construction of a railroad, has added another link to the chain which encircles us, another facility for interchange and new achievements, whether it has been in arts or in science, in war or in manufactures, in commerce or agriculture, success, unexampled success has constituted for us a common and proud memory, and has offered to us new sentiments of nationality.

Why, then, I would ask, do we see these lengthened shadows, which follow in the course of our political day? Is it because

the sun is declining to the horizon? Are they the shadows of evening; or are they, as I hopefully believe, but the mists which are exhaled by the sun as it rises, but which are to be dispersed by its meridian splendor? Are they but evanescent clouds that flit across but cannot obscure the great purposes for which the Constitution was established?

I hopefully look forward to the reaction which will establish the fact that our sun is yet in the ascendant—that the cloud which has covered our political prospect is but a mist of the morning—that we are again to be amicably divided in opinion upon measures of expediency, upon questions of relative interest, upon discussions as to the rights of the States, and the powers of the federal government,—such discussion as is commemorated in this historical picture [pointing to the painting]. There your own great Statesman, Webster, addresses his argument to our brightest luminary, the incorruptible Calhoun, who leans over to catch the accents of eloquence that fall from his lips. [Loud applause.]

They differed as Statesmen and philosophers; they railed not, warred not against each other; they stood to each other in the relation of affection and regard. And never did I see Mr. Webster so agitated, never did I hear his voice so falter, as when he delivered his eulogy on John C. Calhoun. [Applause.]

But allusion was made to my own connection with your favorite departed statesman. I will only say on this occasion, that very early in the commencement of my congressional life, Mr. Webster was arraigned for an offence which affected him most deeply. He was no accountant; all knew that there was but little of mercantile exactness in his habits. He was arraigned on a pecuniary charge—the misapplication of what is known as the secret service fund; and I was one of the committee that had to investigate the charge. I endeavored to do justice, to examine the evidence with a view to ascertain the truth. As an American I hoped he would come out without stain or smoke upon his garments. But however the fame of so distinguished an American Statesman might claim such hopes, the duty was rigidly to inquire, and rigorously to do justice. The result was that he was acquitted of every charge that was made against him, and it was equally my pride and my pleasure to vindicate him in every form which lay within my power. [Applause.] No man who knew Daniel Webster, would have expected less of him. Had our position been reversed, none such could have believed that he would with a view to a judgment ask whether a charge was made against a Massachusetts

man or a Mississippian. No! it belonged to a lower, a later, and I trust a shorter lived race of statesmen ["hear," "hear"] to measure all facts by considerations of latitude and longitude. [Warm applause.]

I honor that sentiment which makes us oftentimes too confident, and to despise too much the danger of that agitation which disturbs the peace of the country. I honor that feeling which believes the Constitutional Union too strong to be shaken. But at the same time I say, in sober judgment, it will not do to treat too lightly the danger which has beset and which still impends over us. Who has not heard our Constitutional Union compared to the granite cliffs which face the sea and dash back the foam of the waves, unmoved by their fury. Recently I have stood upon New England's shore, and have seen the waves of a troubled sea dash upon the granite which frowns over the ocean, have seen the spray thrown back from the cliff, and the receding wave fret like the impotent rage of baffled malice. But when the tide had ebbed, I saw that the rock was seamed and worn by the ceaseless beating of the sea, and fragments riven from the rock were lying on the beach.

Thus the waves of sectional agitation are dashing themselves against the granite patriotism of the land. If long continued, that too must show the seams and scars of the conflict. Sectional hostility must sooner or later produce political fragments. The danger lies at your door, it is time to arrest it. It is time that men should go back to the origin of our institutions. They should drink the waters of the fountain, ascend to the source, of our colonial history.

You, men of Boston, go to the street where the massacre occurred in 1770. There learn how your fathers unfaltering stood for community right. And near the same spot mark how proudly the delegation of the democracy came to demand the removal of the troops from Boston, and how the venerable Samuel Adams stood asserting the rights of the people, dauntless as Hampden, clear and eloquent as Sidney.

All over our country these monuments, instructive to the present generation, of what our fathers felt and said and did, are to be found. In the library of your association for the collection of your early history, I found a letter descriptive of the reading of the address to his army by Gen. Washington during one of those winters when he sought shelter for the ill clad, unshod, but victorious army with which he achieved the independence we enjoy; he had built a log-cabin for a meeting house, and there reading his address, his sight failed him, he put on his

glasses and with emotion which manifested the reality of his feelings, said, "I have grown gray in the service of my country, and now I am growing blind." Who can measure the value of such incidents in a people's history? It is a privilege to have access to documents, which cause us to realize the trials, the patient endurance, the hardy virtue and moral grandeur of the men from whom we inherit our political institutions, and to whose teachings it were well that the present generations should constantly refer.

If you choose still further to stretch your vision to South Carolina, you will find a parallel to that devotion to their country's cause which illustrates the early history of the Democrats of Boston. The prisoners at Charleston, when confined upon the hulks where they were exposed to the small pox, and, wasted by the progress of the infection, were brought upon the shore and assured that if they would enlist in his majesty's service they should be relieved from their present and prospective suffering, but if they refused the rations would be taken from their families, and themselves sent to the hulks and exposed to the infection. Emaciated as they were, distressed with the prospect of their families being turned into the street to starve, the spirit of independence, the devotion to liberty, was so warm within their breasts that they gave one loud hurrah for General Washington, and chose death rather than dishonor. [Loud applause.] And if from these glorious recollections, from the emotions they excite, your eye is directed to your present condition, and you mark the prosperity, the growth and honorable career of your country, I envy not the heart of that man whose pulse does not beat quicker, who does not feel within him the exultation of pride at the past glory and the future prospects of his country. These prospects are to be realized if we are only wise and true to the obligations of the compact of our fathers. For all which can sow dissension can stop the progress of the American people, can endanger the achievement of the high prospects we have before us is that miserable spirit, which, disregarding duty and honor, makes war upon the Constitution. Madness must rule the hour when American citizens, trampling as well upon the great principles at the foundation of the Declaration of Independence and the Constitution of the United States, as upon the honorable obligations which their fathers imposed upon them, shall turn with internecine hand to sacrifice themselves as well as their brethren, upon the altar of sectional fanaticism.

With these views, it will not be surprising to those who differ

from me, that I feel an ardent desire for the success of the State Rights Democracy, that convinced of the destructive consequences of the heresies of their opponents, and of the evils upon which they would precipitate the country, I do not forbear to advocate, here and elsewhere, the success of that party which alone is national, on which alone I rely for the preservation of the Constitution, to perpetuate the Union, and to fulfil the purposes which it was ordained to establish and secure. [Loud cheers.]

My friends, my brethren, my countrymen—[applause]—I thank you for the patient attention you have given me. It is the first time it has been my fortune to address an audience here. It will probably be the last. Residing in a remote section of the country, with private as well as public duties to occupy the whole of my time, it would only be under some such necessity for a restoration of health as has brought me here this season, that I could ever expect to make more than a very hurried visit to any other portion of the Union than that of which I am a citizen.

I will say, then, on this occasion, that I am glad, truly glad, that it has been my fortune to stay long enough among the New Englanders to obtain a better acquaintance than one can who passes in the ordinary way through the country, at the speed of the railroad tourist. I have stayed long enough to feel that generous hospitality which evinces itself to-night, which has showed itself in every town and village of New England where I have gone—long enough to learn that though not represented in Congress, there is within the limits of New England a large mass of as true Democrats as are to be found in any portion of the Union. Their purposes, their construction of the Constitution, their hopes for the future, their respect for the past, is the same as that which exists among my beloved brethren in Mississippi. [Applause.]

It is not a great while since one who was endeavoring to pursue me with unfriendly criticism opened an article with my name and "gone to Boston!"—He seemed to think it a damaging reflection to say of me that I had gone to Boston—I wish he could have been here to look upon these Democratic faces to-night, and to listen to your resolutions and the words of your Massachusetts speakers, he might have been taught that a man might go and stay at Boston and learn better Democracy than many have acquired in other places.

I shall gratefully carry with me the recollections of this and of other meetings witnessed since I have been among you. In

the hour of apprehension I will hopefully turn back to my observations here—here in this consecrated hall, where men so early devoted themselves to liberty and community independence; and will endeavor to impress upon others who know you only as you are misrepresented in the two Houses of Congress, [applause,] how true and how many are the hearts that beat for constitutional liberty, and with high resolve to respect every clause and guaranty which the Constitution contains, are pledged to faithfully uphold the rights of any and every portion of the States, and of the people. [Tremendous cheering.]

Speech of Jefferson Davis in the City of New York, Palace Garden Meeting, Oct. 19, 1858.

COUNTRYMEN, DEMOCRATS:—When I accepted this evening the invitation to meet you here, it was to see and to hear, not to speak. I have listened with pleasure to the language addressed to you by your candidate for the highest office in the State. It is the language of patriotism; it is an appeal to the common sense of the people in favor of that fraternity on which our Union was founded, and on which alone it can long continue to exist. I have rejoiced to hear the applause with which such sentiments, when he uttered them, have been received by those here convened, and trust it is but an indication of that onward progress of reaction which I believe has already commenced, and which is to sink to the lowest depths of forgetfulness the struggle which has so long agitated the country, and prompted an internecine war against your countrymen. [Applause.]

Truly has the distinguished gentleman pointed out to you the extreme absurdity of attempting to excite you upon the ground of southern aggression upon the north. We have nothing to aggress upon. We have not now, as he has told you, the power, though once we had, to interfere with your domestic institutions. We never had the will to do so. And if we had the power now, true to the instincts and history of our fathers, we would abstain from intermeddling in your domestic affairs. [Applause.] I have no purpose on this or any other occasion to mingle in the consideration of those questions which are local to you. I am not sufficiently learned in conchology to do it if I would, [laughter,] and I have too great a respect for community independence to do it if I could. My purpose then is, simply in answer to your call, to offer you a few reflections, such as may occur to me, as I progress, upon those questions which are

common to us all, and which belong to the memories of our fathers, and are linked with the hopes of our children. [Applause.] If, then, without preparation, I do it in unvarnished phrase, if I cannot carry you along with me because of the want of that flowing diction which might catch the ear, still I ask you to hear me for my cause, for it is the cause of our country, it is the cause of democracy, it is the cause of human liberty. [Applause.]

Who now stand arrayed against the democratic party? The relations of parties and the issues upon which we have been divided have changed. What now is the basis of opposition to the democratic party? It is twofold—interference with the negroes of other people, and interference with the rights now secured to foreigners who expatriate themselves and come to our land. ["Hear, hear," and applause.] To each community belongs the right to decide for itself what institutions it will have. To each people sovereign within their own sphere, belongs, and to them only belongs, the right to decide what shall be property. You have decided it for yourselves. Who shall gainsay your decision? Mississippi has decided it for herself; who has the right to gainsay her decision? The power of each people to rule over their domestic affairs lies at the foundation of that Declaration of Independence to which you owe your existence among the nations of the earth; that declaration which led your fathers into and through the war of the revolution. *It is that which constitutes to-day the doctrine of State rights, upon which it is my pride and pleasure to stand.* [Applause.] Congress has no power to determine what shall be property anywhere. Congress has only such grants as are contained in the Constitution. And the Constitution confers upon it no power to rule with despotic hand over the inhabitants of the Territories. Within the limits of those Territories, the common property of the Union, you and I are equal; we are joint owners. Each of us has the right to go into those Territories, with whatever property is recognized by the Constitution of the United States. [Applause.] Congress has no power to limit or abridge that right. But the inhabitants of a Territory when as a people they come to form a State government, *when they possess the power and jurisdiction which belongs to the people of New York, or any other State, have the right to decide that question, and no power upon earth has the right to decide it before that time.* [Applause.]

[At this point the Young Men's Democratic National Club,

with banners and transparencies, entered the garden, and were received with enthusiastic cheers.]

The dull remarks, my friends, which I was in the course of making to you, have been interrupted by a beautiful episode, which I am sure will more than exceed the whole value of the poem, if I may thus characterize my dull speech. And I am glad that foremost among all the transparencies and banners, comes this flag which speaks of the "Young Men's Democratic National Club."—[Three cheers for Davis.] It is on the young men we must rely. I have found that in every severe political struggle, where the contest on the one side was for principle, and on the other for spoils, it has been the gray haired father and the boy with the peach bloom upon his cheek upon whom principles had to rely for support. My own generation—and I regret to say it—seems too deeply steeped in the trickery of politics to be able to rise above the influence of personal and political gain into the pure field of patriotism. And I am therefore glad to see the "Young Men's Democratic National Club" leading this procession.

But to return to the argument I was making. I said that Congress had no power to legislate upon what should be property anywhere; that Congress had no power to discriminate between the citizens of the different States who should go into the Territories, the common property of all the States, but that those Territories of right remained open to every citizen, and every species of property recognized in the Constitution, until the inhabitants should become a people, form a fundamental law for themselves, and, as authorized by the Constitution, assume the powers, duties, and obligations of a State. And now, my friends, I would ask you, further, of what value would a congressional decision upon that subject be? If it be a constitutional right, as I contend it is, then it is a matter for judicial decision. If Congress should assert that such is not the right of each of our citizens, and the courts appointed as an arbiter in such cases should decide that it is their right, the enactment would, therefore, be void. If, on the other hand, it is not a right, but Congress should assert it to be one, and the courts should declare that no such right exists under the Constitution, then, Congress has no power to create it; and it is in this sense that Congress has not the power to establish or prohibit slavery anywhere. [Applause.]

What, then, has been the foundation of all this controversy? Your candidate has justly pointed out to you that unpatriotic struggle for sectional aggrandizement which has brought about

this contest—a contest, as it were, between two contending powers for national predominance—a contest upon the one side to enlarge the majority it now possesses, and a contest upon the other side to recover the power it has lost, and become the majority. This is the attitude of hostile nations, and not of States bound together in fraternal unity. This is the feeling that one by one is cutting the strands which originally held the States together. You have seen your churches divided; you have seen trade turned aside from its accustomed channel; you have seen jealousy and uncharitableness and bickering springing up and growing stronger day by day, until at last, if it continue, the cord of union between the States reduced simply to the political strand, may not suffice to hold them together. Once united by every tie of fraternal feeling, shoulder to shoulder, step by step, our fathers went through the revolution, prompted by a common desire for the common good, and animated by devotion to the principle of popular liberty. They struggled against the mother country, because that country endeavored to legislate for the colonies, and the colonies claimed as a right that they must not be taxed except by their own representatives, and refused to submit to unconstitutional legislation. If now, in this struggle for the ascendancy in power, one action should gain such predominance as would enable it, by modifying the Constitution and usurping new power, to legislate for the other, *the exercise of that power would throw us back into the condition of the colonies.* And if in the veins of the sons flows the blood of their sires, *they would not fail to redeem themselves from tyranny even should they be driven to resort to revolution.* [Applause.]

And what is the other question of difference now? It is the agitation, as a national question, of the right of foreigners to suffrage within these States. Now, I ask, what power has Congress over the question? Yet members to Congress are elected upon that question. How would Congress legislate upon it? They say, by modifying the naturalization laws. What do those laws confer? The right to hold real estate and the right to devise it by will; the right to sue and be sued in the courts of the United States; and the rights to receive passports and protection from the government of the United States. Who wishes to withhold those privileges from foreigners? Nobody alleges it. But they say that the ballot-box must be protected from foreign votes. Has Congress the right to say that foreigners shall not vote within the limits of your State? Are you willing to leave that to Congress? [Cries of "No, no, no," and applause.] In

some of the States, by State legislation, foreigners are permitted to vote before they can become citizens under the naturalization laws. The naturalization laws are not, therefore, controlling over the question of suffrage. The power of Congress is limited to the establishment of a uniform rule of naturalization throughout the States. But what further do they couple with these demands which they make for congressional legislation? They proclaim their purpose to be to exclude paupers and criminals from abroad.—Do paupers and criminals come for the right of suffrage? They come here for bread, or to fly from the laws which they have violated. Whether they shall be entitled to vote or not, would neither increase nor diminish the number of that class by a single individual. But, my friends, who is a pauper, or who is a criminal? Is a man a pauper merely because he comes here without property, without money in his purse? Go, look along your lines of internal improvements, where every mile has mingled with it the bones of some foreigner who labored to create it. Go to your battle fields, where your flag has been borne triumphantly, and where fresh laurels have been added to the brow of your country, and there you will find the sod dyed as deep by the blood of the foreign born as by that of the native citizen. [Applause.] Is the able-bodied man, who comes here to contribute to your national interests by building up your public works, or aiding in the erection of your architectural constructions, or who bears your flag in the hour of danger, and who bleeds and dies for your country, is he the pauper you desire to exclude? And who is the criminal? Is it he who, flying from the persecution of despotic governments, seeks our land as the Huguenot did, as did Soule, the stern American orator, as many others within your limits have done under more recent struggles for liberty in Europe? [Applause.] Then, who are the paupers and criminals? Is that to be decided by the ruling of other countries, by the laws of France, or of England? Or is it to be decided by your own laws, by your own rules of judicature? If by the latter then there is no good ground for controversy. We do not advocate that any country shall empty its poor houses, get rid of the duty of supporting its paupers, and throw that charge upon us. We could not permit any country to empty its prisons and penitentiaries to mingle that portion of its population with ours. But we do war against the use of terms that delude the people, and are intended to exclude the high-spirited and hard-working men who contribute to the bone, the sinew, and the wealth of our country. [Applause.]

Such, then, my friends, is the opposition to the democracy, the only national party. The opposition, I say, claims two things from the federal government, neither of which it has the constitutional power to perform. It agitates this section of the Union in relation to property which it has not, and of which, I say, it knows literally nothing. For had the orator (Mr. Giddings) who was quoted to-night, known anything of the relations between the master and the slave, he would not have talked of the slave armed with the British bayonet. Our doors are unlocked at night; we live among them with no more fear of them than of our cows and oxen. We lie down to sleep trusting to them for our defence, and the bond between the master and the slave is as near as that which exists between capital and labor anywhere. Now, about the idea of British bayonets in the hands of slaves: The delusion which has always excited my surprise the most has been that which has led so many of the northern men to strike hands with the British abolitionists to make war on their southern brethren. If they could effect their ends, and Great Britain could insert the wedge which should separate the States, what further use would she have for the northern section? You are the competitors of Great Britain in the vast field of manufacture, whom she most fears, and though she may be with you in the scheme which would effect a separation of these States, yet the moment that separation should be effected she would be under the promptings of interest your worst enemy. [Applause.] Our fathers fought and bled to secure the common interests of the country. They reclaimed us from colonial bondage to national independence. They stamped upon it free trade in order that the interests of all might be promoted, that each section might be interwoven with the other —in order that there might be the strongest bond of mutual dependence. And step by step, from that day to this, that common and mutual dependence has been growing.

From the seeds of narrow sectionality and purblind fanaticism, have sprung the tares which threaten the principles of that declaration which made the colonies independent States, and of that compact by which the States were united by a bond to-day far more valuable than when it was signed. You have among you politicians of a philosophic turn, who preach a high morality; a system of which they are the discoverers, and it is to be hoped will long remain the exclusive possessors. They say, it is true the Constitution dictates this, the Bible inculcates that; but there is a higher law than those, and call upon you to obey that higher law of which they are the inspired givers. [Laugh-

ter and applause.] Men who are *traitors* to the compact of their fathers—*men who have perjured the oaths they have themselves taken*—they who wish to steep their hands in the blood of their brothers; these are the moral law-givers who proclaim a higher law than the Bible, the Constitution, and the laws of the land. This higher-law doctrine, it strikes me, is the most convenient one I ever heard of for the *criminal*. You, no doubt, have a law which punishes a man for stealing a horse or a bale of goods. But the thief would find more convenient a higher law which would justify him in keeping the stolen goods. The doctrine is now advanced to you only in its relation to property of the Southern States, thus it is the pill gilded, to conceal its bitterness; but it will re-act deeply upon yourselves if you accept it. What security have you for your own safety if every man of vile temper, of low instincts, of base purpose, can find in his own heart a higher law than that which is the rule of society, the Constitution, and the Bible? *These higher law preachers should be tarred and feathered, and whipped by those they have thus instigated. This, my friends, is what was called in good old revolutionary times, Lynch Law.* It is sometimes the very best law, because it deals summary justice upon those who would otherwise escape from all other kinds of punishment. The man who with sycophantic face and studied phrase, and with assumed philosophic morality, preaches treason to the Constitution and the dictates of all human society, is a fit object for a Lynch law that would be higher than any he could urge. [Applause.]

My democratic friends, I am deeply gratified by the exhibition which is before me. I see here a field of faces, assembled in the name of Democracy, and over it high, bright and multiplied for the occasion, as stars have been added by Democracy to the flag of our country, blaze the lights which typify democratic principles, pointing upward, to guide our country to that haven of prosperity which our fathers saw in the distant future, and which they left it for their sons to attain. If we are true to ourselves, true to the obligations which the Constitution imposes upon us, and if we are wise and energetic in the struggles which lie before us, our path is onward to more of national greatness than ever people before possessed. We are held together by that two-fold government, which is susceptible of being made perfect in the small spheres of State limits, and capable of the greatest imperial power, by the combination of these municipal powers into one for foreign action. It is a form of government such as the wit of man never devised until our fathers, with a wisdom

that approached inspiration, framed the Constitution, and transmitted it as a legacy to us. It devolves upon every one of you, to see that each provision of that Constitution is cordially and faithfully observed. If cordially and faithfully observed, the powers of hell and of earth combined can never shake the happiness and prosperity of the people of the United States. [Applause.] With every revolving year there will arise new motives for holding tenaciously to each other. With every revolving cycle there will come new sources of pride and national sentiment to the people. Year after year your flag will grow more brilliant, by the addition of fresh stars, recording the growth of our political family, and onward, over land and over sea, the progress of American principles, of human liberty illustrated, and protected by the power of the United States, will hold its way to a triumph such as the earth has never witnessed. [Applause.] On the other hand, what do we see? A picture so black that if I could unveil it, I would not in this cheery moment expose a scene so chilling to your enthusiasm, and revolting to your patriotic hearts. My friends, feeling that I have already detained you too long, I now return to you my cordial thanks for the kindness with which you have received me to-night.

Speech of Jefferson Davis before the Mississippi Legislature. November 16, 1858.

MISSISSIPPIANS: Again it is my privilege and good fortune to be among you, to stand before those whom I have loved, for whom I have labored, by whom I have been trusted and honored, and here to answer for myself. Time and disease have frosted my hair, impaired my physical energies, and furrowed my brow, but my heart remains unchanged, and its every pulsation is as quick, as strong, and as true to your interests, your honor, and fair fame, as in the period of my earlier years.

It is known to many of you, that at the close of the last session of Congress, wasted by protracted, violent disease, I went, in accordance with medical advice, to the Northeastern coast of the United States. Against the opinion of my physician, I had remained at Washington until my public duties were closed, and then adopted the only course which it was believed gave reasonable hope for a final restoration to health—that is, sought a region where I should be exempt from the heat of summer, and from political excitement.

In one respect at least, this accorded with my own feelings, for physically and mentally depressed, fearful that I should never again be able to perform my part in the trials to which Mississippi might be subjected, I turned away from my fellows with such feelings as the wounded elk leaves his herd, and seeks the covert, to die alone. Misrepresentation and calumny followed me even to the brink of the grave, and with hyena instinct would have pursued me beyond it.

The political positions which I had always occupied, justified the expectation that in New England I should be left in loneliness. In this I was disappointed; courtesy and kindness met me on my first landing, and attended me to the time of my departure. The manifestations of comity and hospitality, given by the generous and the noble, aroused the petty hostility of the more extreme of the Black Republicans, and their newspapers assailed me with the low abuse which for years I had been accustomed to receive at their hands. I had always despised their malice and defied their enmity; their assaults did not surprise me, but when I found them echoed in Southern papers, it did astonish, I will confess, it did pain me, not for any injury apprehended to myself, but for its evil effect upon the cause with which I was identified.

Was it expected that to public and private manifestations of kindness by the people of Maine, I should return denunciation and repel their generous approaches with epithets of abuse? If they had deserved such reproach, they could not merit it at my hands. A guest hospitably attended, it would have been inconsistent with the character of a gentleman, to have done less than acknowledge their kindness, and it was not in my nature to feel otherwise than grateful to them for the many manifestations of a desire to render pleasant and beneficial the sojourn of an invalid among them. But they did not deserve it, and I am happy to state as the result of my acquaintance with them, that we have a large body of true friends among them, men who maintain our constitutional rights as explicitly and as broadly as we assert them, and who have performed this service with the foreknowledge that they were thereby to sacrifice their political prospects, at least, until through years of patient exertion they should correct error, suppress fanaticism, and build for themselves a structure on the basis of truth, which had long been unwelcome and might not soon be understood.

But there were other evidences of regard more valuable to me than exhibitions of personal kindness. Regard for the people of Mississippi, founded on a special attention to their history; the

gallant services of your sons in the field, were publicly claimed as property which Mississippi could not appropriate to herself, but which were part of the common wealth of the nation, and belonged equally to the people of Maine. Could I be insensible to such recognition of the honorable fame of Mississippi? No, the memory of the gallant dead, who died at Monterey and Buena Vista, forbade it.

At a subsequent period, when in Massachusetts, one of her distinguished sons, (Gen. Cushing,) paid a compliment to the feat performed by the Mississippi Regiment in checking the enemies cavalry on the field of Buena Vista, one Black Republican newspaper denied the originality of the movement, and claimed it to have been previously performed by an English regiment at Quatre Bras. This claim was unfounded; the service performed by the British Regiment having been of a totally different character and for a different purpose.—A Southern paper, however, has gone one step beyond that of the Massachusetts paper, and denies the merit claimed for the service rendered by saying that it was the result of accident, growing out of the peculiar conformation of the ground on which the regiment rallied and that it was necessary for the safety of the regiment, being like the act of a man who leaps from a burning ship and takes the chance of drowning.

If this only affected myself, I should leave it, like other misrepresentations, unnoticed, but it concerns the hard earned reputation of the regiment I commanded. It affects the fame of Mississippi, and propagates an error which may pollute the current of history.

We live in an age of progress, and it requires a progressive age to produce a military critic who should discover that a soldier deserved no credit for availing himself of the accidents of ground. One half of the science of war consists in teaching how to take advantage of the irregularities of the ground on which military movements are to be made, or defensive works are to be constructed. The highest reputation of Generals in every age has resulted in their skill in military topography. The most marked compliment ever paid by one General to another, was that of Napoleon to Cæsar, when he halted on his encampments without a previous reconnaisance. But the regiment did not rally as stated, for it had not been dispersed; neither was their movement the result of their own necessity, or adopted for their own safety. They were marching by the flank, on the side of a ravine, when the enemy's cavalry were seen approaching. They could have halted on the side of the

ravine, which was so precipitous that they would have been there as safe from a charge as if they had been in Mississippi. They could have gone down into the ravine, and have been concealed even from the sight of the cavalry. The necessity was to prevent the cavalry from passing to the rear of our line of battle, where they might have attacked, and probably carried our batteries, which were then without the protection of our infantry escort. It was our country's necessity and not our own which prompted the service there performed. For this the regiment was formed square across the plain, and there stood motionless as a rock, silent as death, and eager as a greyhound for the approach of the enemy, at least nine times, numerically, their superiors. Some Indiana troops were formed on the brink of the ravine with the right flank of the Mississippi Regiment, constituting one branch of what has been called the "V". When the enemy had approached as near as he dared and seemed to shrink from contact with the motionless, resolute living wall which stood before him, the angry crack of the Mississippi rifle was heard, and as the smoke rose and the dust fell, there remained of the host which so lately stood before us but the fallen and the flying. The rear of our line of battle was again secured, and a service had been rendered which in no small degree contributed to the triumph which finally perched upon the banner of the United States.

I am not a disinterested, and may not be a competent judge, but I know how I thought, and still believe, that your sons, given by you to the public service in the war with Mexico, have not received the full measure of the credit which was their due. They, however, received so much that we might be content to rest on the history as it has been written. But it constitutes a reason why we should not permit any of the leaves to be unjustly torn away.

To return to the consideration of the less important subject, the misrepresentation of myself, I will again express the surprise I felt that when abolition papers were assailing me with a view to destroy any power which I might acquire to correct the error which had been instilled into the minds of the people of the North in relation to Southern sentiments and Southern institutions, that they should have received both aid and comfort from Southern newspapers, and been bolstered up in the attempt to misrepresent my political position. When the charge was made, which was copied in Northern papers, that I had abandoned those with whom I co-operated in 1852, to produce a separation of the States, my friend, the editor of the Mississippian, seeing

the misrepresentation of my position, and naturally supposing, as we had no discussion in 1852, the reference must have been made to the canvass of 1851, quoted from the resolutions of the State-Rights Democratic Convention, and from an address published by myself to the people, to show that my position was the reverse of that assigned to me. Before proceeding, I will advert to a reference which has been made to him, as my "organ." He is no more my "organ" than I am his. We have generally concurred, and I have been able to understand and anticipate his positions as he has mine. I am indebted to him for many favors. He is indebted to me for nothing. As Democrats, as gentlemen, as friends, we occupy to each other the relation of exact equality.

Notwithstanding that irrefutable answer to the charge, it has been reiterated, and, as before, located in the year 1852. It is known to you all that our discussions were in 1851. I then favored a convention of the Southern States, that we might take counsel together, as to the future which was to be anticipated, from the legislation of 1850. The decision of the State was to acquiesce in the legislation of that year, with a series of resolutions in relation to future encroachments. I submitted to the decision of the people, and have in good faith adhered to the line of conduct which it imposed. Therefore in 1852 there is no record from which to disprove any allegation, but you know the charge to be utterly unfounded, and charity alone can suppose its reiteration was innocently made. Neither in that year nor in any other, have I ever advocated a dissolution of the Union, or the separation of the State of Mississippi from the Union, except as the last alternative, and have not considered the remedies which lie within that extreme as exhausted, or ever been entirely hopeless of their success. I hold now, as announced on former occasions, that whilst occupying a seat in the Senate, I am bound to maintain the Government of the Constitution, and in no manner to work for its destruction; that the obligation of the oath of office, Mississippi's honor and my own, require that, as a Senator of the United States, there should be no want of loyalty to the Constitutional Union. Whenever Mississippi shall resolve to separate from the Confederacy, I will expect her to withdraw her representatives from the General Government, to which they are accredited. If I should ever, whilst a Senator, deem it my duty to assume an attitude of hostility to the Union, I should, immediately thereupon, feel bound to resign the office, and return to my constituency to inform them of the fact. It was this view of the obligations of my position, which caused me, on various occasions, to repel, with such indignation, the accusation

of being a disunionist, while holding the office of Senator of the United States.

I have been represented as having advocated "Squatter Sovereignty" in a speech made at Bangor, in the State of Maine. A paragraph has been published purporting to be an extract from that speech, and vituperative criticism, and forced construction have exhausted themselves upon it, with deductions which are considered authorized, because they are not denied in the paragraph published.

In this case, as in that of the charge in relation to my position in 1852, there is no record with which to answer. I never made a speech at Bangor. And a fair mind would have sought for the speech to see how far the general context explained the paragraph, before indulging in hostile criticism.

Senator Douglas, in a speech at Alton, adopting the paragraph published, and evidently drawing his opinion from the unfair construction which had been put upon it, claims to quote from a speech made by me at Bangor, to sustain the position taken by him at Freeport. He says:

"You will find in a recent speech, delivered by that able and eloquent statesman, Hon. Jefferson Davis, at Bangor, Maine, that he took the same view of this subject that I did in my Freeport speech. He there said:"

"'If the inhabitants of any territory should refuse to enact such laws and police regulations as would give security to their property and his, it would be rendered more or less valueless, in proportion to the difficulty of holding it without such protection. In the case of property in the labor of a man, or what is usually called slave property, the insecurity would be so great that the owner could not ordinarily retain it. Therefore, though the right would remain, the remedy being withheld, it would follow that the owner would be practically debarred, by the circumstances of the case, from taking slave property into a Territory where the sense of the inhabitants was opposed to its introduction. So much for the oft repeated fallacy of forcing slavery upon any community.'"

It is fair to suppose, if the Senator had known where to find the speech from which this extract was taken, that he would have examined it before proceeding to make such use of it. And I can but believe, if he had taken the paragraph free from the distortion which it had undergone from others, that he must have seen it bore no similitude to his position at Freeport, and could give no countenance to the doctrine he then announced. He there said:

"The next question Mr. Lincoln propounded to me is: 'Can the people of a territory exclude slavery from their limits by any fair means, before it comes into the Union as a State?' I answer emphatically, as Mr. Lincoln has heard me answer a hundred times, on every stump in Illinois, that in my opinion, the people of a territory can, by lawful means, exclude slavery before it comes in as a State. [Cheers.] Mr. Lincoln knew that I had given that answer over and over again. He heard me argue the Nebraska bill on that principle all over the State, in 1854, and '55, and '56, and he has now no excuse to pretend to have any doubt upon that subject. Whatever the Supreme Court may hereafter decide as on the abstract question of whether slavery may go in under the Constitution or not, the people of a territory have the lawful means to admit or exclude it as they please for the reason that slavery cannot exist a day or an hour anywhere unless supported by local police regulations, furnishing remedies and means of enforcing the right of holding slaves. Those local and police regulations can only be furnished by the local Legislature. If the people of the Territory are opposed to slavery they will elect members to the Legislature who will adopt unfriendly legislation to it. If they are for it, they will adopt the legislative measures friendly to slavery. Hence no matter what may be the decision of the Supreme Court, on that abstract question, still the right of the people to make it a slave territory or a free territory, is perfect and complete under the Nebraska Bill. I hope Mr. Lincoln will deem my answer satisfactory on this point."

This is the distinct assertion of the power of territorial legislation to admit or exclude slavery; of the first in the race of migration who reach a territory, the common property of the people of the United States to enact laws for the exclusion of other joint owners of the territory, who may in the exercise of their equal right to enter the common property, choose to take with them property recognized by the Constitution, but not acceptable to the first emigrants to the Territory. That Senator had too often and too fully discussed with me the question of "squatter sovereignty" to be justified in thus mistaking my opinion. The difference between us is as wide as that of one who should assert the right to rob from him who admitted the power. It is true, as I stated it at that time, all property requires protection from the society in the midst of which it is held. This necessity does not confer a right to destroy, but rather creates an obligation to protect. It is true as I stated it, that slave property peculiarly requires the protection of society, and would ordinarily become valueless in the midst of a com-

munity, which would seek to seduce the slave from his master, and conceal him whilst absconding, and as jurors protect each other in any suit which the master might bring for damages. The laws of the United States, through the courts of the United States, might enable the master to recover the slave wherever he could find him. But you all know, in such a community as I have supposed, that a slave inclined to abscond would become utterly useless, and that was the extent of the admission.

The extract on which reliance has been placed was taken from a speech made at Portland, and both before and after the extract, the language employed conclusively disproves the construction, which unfriendly criticism has put upon the detached passage. Immediately preceding it, the following language was used:

"The Territory being the common property of States, equals in the Union, and bounded by the Constitution which recognizes property in slaves, it is an abuse of terms to call aggression the migration into that Territory of one of its joint owners, because carrying with him any species of property recognized by the Constitution of the United States. The Federal Government has no power to declare what is property anywhere. The power of each State cannot extend beyond its own limits. As a consequence, therefore, whatever is property in any of the States, must be so considered in any of the territories of the United States until they reach to the dignity of community independence, when the subject matter will be entirely under the control of the people, and be determined by their fundamental law. If the inhabitants of any territory should refuse to enact such laws and police regulations as would give security to their property or to his, it would be rendered more or less valueless, in proportion to the difficulty of holding it without such protection. In the case of property in the labor of man, or what is usually called slave property, the insecurity would be so great that the owner could not ordinarily retain it. Therefore, though the right would remain, the remedy being withheld, it would follow that the owner would be practically debarred by the circumstances of the case, from taking slave property into a territory where the sense of the inhabitants was opposed to its introduction. So much for the oft repeated fallacy of forcing slavery upon any community."

And in a subsequent part of the same speech, the matter was treated of in this wise:

"The South had not asked Congress to extend slavery into the territories, and he in common with most other Southern statesmen, denied the existence of any power to do so. He held it

to be the creed of the Democracy, both in the North and the South, that the general government had no constitutional power either to establish or prohibit slavery anywhere; a grant of power to do the one must necessarily have involved the power to do the other. Hence it is their policy not to interfere on the one side or the other, but protecting each individual in his constitutional rights, to leave every independent community to determine and adjust all domestic questions as in their wisdom may seem best."

In other speeches made elsewhere, in New England and in New York, the equality of the South as joint owners was declared and maintained, as I had often done before the people of Mississippi and in the Senate of the United States when the subject was in controversy. The position taken by me in 1850, in the form of an amendment offered to one of the compromise measures of that year, was intended to assert the equal right of all property to the protection of the United States, and to deny to any legislative body the power to abridge that right. The decision of the Supreme Court in the Dred Scott case has fully sustained our position in the following passage:

"If Congress itself cannot do this, (prohibit slavery in a Territory,) if it is beyond the powers conferred on the Federal Government—it will be admitted, we presume, that it could not authorize a territorial government to exercise them. *It could confer no power on any local government established by its authority, to violate the provisions of the Constitution.*

"And if the Constitution recognizes the right of property of the master in a slave; and makes no distinction between that description of property and other property owned by a citizen, *no tribunal*, acting under the authority of the United States, whether legislative, executive, or judicial, has a right to draw such a distinction, or deny to it the benefit of the provisions and guarantees which have been provided for the protection of private property against the encroachments of the government."

At the time of the adoption of the Kansas-Nebraska bill, it certainly was understood that the constitutional rights to take slaves into any territory of the United States should thenceforth be regarded as a judicial question; and therefore special provision was made to facilitate the bringing of such questions before the Supreme Court of the United States. After the decision to which reference has just been made, the prominent advocate of the bill at the time of its enactment should have been estopped from recurring to his "squatter sovereignty" heresies, though the decision should have been different from his anticipation or

desire. And as much interest has been felt in relation to his position, and some inquiry has been made as to my view of it, I will here say, that I consider him as having recanted the better opinions announced by him in 1854, and that I cannot be compelled to choose between men, one of whom asserts the power of Congress to deprive us of a constitutional right, and the other only denies the power of Congress, in order to transfer it to the territorial legislature. Neither the one nor the other has any authority to sit in judgment on our rights under the Constitution.

Between such positions, Mississippi cannot have a preference, because she cannot recognize anything tolerable in either of them.

Having called your attention to the speech made at Portland, to show that other parts of it disprove the construction put upon the paragraph, which was taken from it, and reported to be a part of the speech delivered at Bangor, it may be as well on this occasion to state the circumstances under which the speech was made at Portland. Immediately preceding the State election, I was invited, by the democracy of that city, to address them, and my attention was especially called to a delusion practiced on the people of Maine, by which many were led to believe that there was a purpose on the part of the South, through the government of the United States, to force slavery not only into the territories, but also into the non-slaveholding States of the Union. It was represented to me that in the last Presidential canvass that one of the Senators of Maine had convinced many of the voters that if Mr. Buchanan should be elected, slavery would be forced upon Maine, and that the other Senator was arguing that the Dred Scott decision of the Supreme Court had given authority to introduce and hold slaves in that State. To counteract such impressions, injurious to the South and her friends, the remarks which have been extracted were made.

On that, as on other occasions, it was deemed a duty to correct misrepresentation and seek to vindicate our purposes from the prejudice which ignorance and agitation had created against us. If it was in my power in any degree to allay sectional excitement, to cultivate sounder opinions and a more fraternal feeling, it was a task most acceptable to me, and one for the performance of which I could not doubt your approval. But it has been my fortune to be the object of a malice which I have not striven to appease because I was conscious that it rested upon no injury or injustice inflicted by me. The land swarms with Presidential candidates, announced by their agents or their friends, or by

themselves, as the mode most available for preventing too zealous and partial friends from putting them in nomination. To these it was the source of unfounded apprehension, that I went to the coast of New England, instead of returning to Mississippi. If any of them had known the necessity which kept me from home, it is fair to suppose the aspirant for such distinction could not have been guilty of the meanness of suppressing that fact, and allowing misrepresentation to do its work in my absence.

For the wretch who is doomed to go through the world bearing a personal jealousy or a personal malignity, which renders him incapable of doing justice, and studious of misrepresentation, I can only feel pity, and were it possible to feel revengeful, could consign him to no worse punishment than that of his own tormentors, the vipers nursed in his own breast.

But long have I delayed what is my chief purpose, to speak to my friends, the men whose good opinion is to me of importance only second to the approval of my own conscience. So far as they have misunderstood me, it is a pleasure to set forth the true meaning of both my words and my deeds. To my traducers I have no explanations to offer and no apologies for any one. If State Rights men in the excess of their zeal have censured me, I have no reproaches for them, but cheerfully bear the burden which may be imposed upon me by zeal in the cause to which my political life has been devoted, and in imitation of Job, would bless the State Rights Democracy of Mississippi, even if the object of its vengeance: "Though he slay me, yet will I trust in him."

If I had been asked what interpretation might possibly be put upon the published sketch of the remarks made by me at sea on the Fourth of July last, speculation would have been exhausted before it would have occurred to me that my State Rights friends would consider themselves described under the head of "trifling politicians," who could not believe that the country would remain united to repel insult to our flag as it had recently been on the occasion of the attempt to exercise visit and search in the Gulf of Mexico, under the pretext of checking the African slave trade. The publisher of that sketch has already announced that it was not a report, and that for its language I could not justly be considered responsible. To this it is needless that I should add any thing. But I have treated it, and will treat it in the view necessarily taken by those who construed it before such denial was made.

During the period of greatest adversity, in the hour of gloom and defeat, the State Rights Democracy had no cause to com-

plain of my fealty. We struggled together, fell together, rose together, and to them I am indebted for whatever of consideration or position I possess. Endeared to me by our common suffering; grateful to them for the steadfast support with which they have honored me, accustomed to refer with pride to my identity with them, it would have been strange indeed, if when separated from them under circumstances which turned my eyes, with more than ordinary anxiety towards my home, I should then have sought an occasion to heap reproachful language upon them.

Often it has been my duty to repel the accusations of others who sought to attribute to the State Rights Democracy opinions not their own, and to impute to them the purpose to agitate for the destruction of the government we inherited. As one of the State Rights party, I deny that the language published is a picture of me or my class, and I have as little disposition now, as at any former time, to separate myself from the body of the party, with which I have so long acted, which I rejoice to see in power at home, and daily more and more respected in the other States.

I have thus defined who were not meant, and will now tell who were meant. First, they were the noisy agitators who were constantly disturbing the public peace and proclaiming that slavery is so great an evil, that the preservation of the Union is subordinate to the purpose of abolishing it. They who object to any protection, on the high seas or elsewhere, being given to slave property by the government of the United States; who would rejoice in any insult offered to the national flag if borne by a vessel sailing from a Southern port; and who have been for some time back circulating petitions for a dissolution of the Union on the ground of the incompatibility of the sections. And to these may be added the few, the very few of Southern men who fancying that they would have advantages out of the Union which they cannot possess within it, however fully the compact should be observed and State Equality maintained, desire its dissolution, and taking counsel of their passions, decry the labors of all who seek to preserve the government as our fathers formed it, and to develope the great purposes for which it was ordained and established.

The other phrase which has been the subject of comment was, "and this great country will remain united." How "united" is set forth in the language to which this clause was a conclusion, "united to protect our national flag whenever a foreign power, presuming on our domestic dissention, should dare to insult it."

The unanimity with which men of all parties in the two houses of Congress rallied to support the executive in maintaining the rights of our flag, had been the subject of my commendation. Upon that fact the idea expressed rested. At worst it could but have evinced too much credulity, and I trust I may die believing that whenever the honor of our flag shall demand it, every mountain and valley and plain, will pour forth their hardy sons, and that shoulder to shoulder they will march against any foreign foe which shall invade the rights of any portion of the United States.

And here permit me as a duty to you, and an obligation upon myself, to pay the tribute which I believe to be due the Northern Democracy. Having formed my opinion of them upon insufficient data, I have had occasion, after much intercourse with them, to modify it. I believe that a great reaction has commenced; how far it will progress I do not pretend to say, but am hopeful that agitation will soon become unprofitable to political traders in New England, and this hope rests upon the high position taken by the Northern Democracy, and upon the increased vote which in some of the States, under the more distinct avowal of sound principles, their candidates have received. You may now often hear among them not only the unqualified defence of your constitutional rights, but the vindication of your institutions in the abstract, and in the concrete.

In the town of Portland, just preceding the election, a Democrat of large means and extensively engaged in commercial transactions and city improvements addressed the Democracy, arguing that their prosperity depended upon their connection with countries, the products of which were dependent upon slave labor; and the future growth and prosperity of their city depended upon the extension of slave labor into all countries where it could be profitably employed. He showed by a statistical statement the paralysing effect which would be produced upon their interest by the abolition of slavery. The Black Republican papers of course abused him, and compared him to Davis and Toombs, but his sound views were approved by the Democracy, and so far as I could judge, he gained consideration by their manly utterance.

A generation had been educated in error, and the South had done nothing in defence of the abstract right of slavery. Within a few years essays have been written, books have been published, by northern as well as by southern men, and with the increase of information, there has been a subsidence of prejudice, and a preparation of the mind to receive truth. Our friends are still

in a minority. It would be vain to speculate as to the period when their position will be reversed. Whether sooner or later, or never, they are still entitled to our regard and respect. A few years ago those who maintained our constitutional right, and to secure it voted for the Kansas and Nebraska bill, went home to meet reproach and expulsion from public employment.

Even their social position was affected by that political act. The few years, however, which have elapsed, have produced a great change. They have recovered all except their political position. That bill which was considered when it was enacted, a Southern measure, for which Northern men bravely sacrified their political prospects, has of late been denounced at the South as a cheat and a humbug. A poor return certainly, to those who conscientiously maintaining our rights, surrendered their popularity to secure what the men for whom they made the sacrifice now pronounce to have been a cheat. It is true that bill has recently received in some quarters a construction which its friends did not place upon it when it was enacted. But it should be judged by its terms and by contemporeaneous construction.

When I visited the people of Mississippi last year, the question of greatest public excitement, was connected with the action of the Executive in relation to the admission of Kansas as a State of the Union. You had been led to suppose that the President would attempt to control the action of the convention, and if the constitution was not submitted to a popular vote, would oppose by all the means within his power, the admission of the State within the Union. You were also excited at a dogma which had been put forth, to the effect that no more slave States should be admitted. I agreed with you then, that if the President took such position he would violate the obligations of his office, and be faithless to the trust which you had reposed in him. I agreed with you then, that the exclusion of a State, because it was slaveholding, would be such an offence against your equality as would demand at your hands the vindication of your rights. What has been the result? The convention framed the constitution, submitted only the clause relating to slavery to a popular vote, and applied for admission. The President in his annual message referred in favorable terms to the application, then not formally made, and when the Constitution reached him transmitted it to Congress with a special message, in which he fully and emphatically maintained the right of admission.

After the convention had adjourned, Mr. Stanton, acting Governor of the Territory, called an extra session of the Freesoil

Legislature, which has been elected, and it passed an act to submit the whole constitution to a popular vote. The President removed him from office,—a further evidence of the sincerity with which he was fulfilling your expectations in relation to Kansas. And it gives me pleasure here to say of him, what I am assured I can now say with confidence, that he will not shrink a hair's breadth from the position he has taken, but will move another step in advance, and fall, if fall he must, manfully upholding the rights and defying the insolence of ill-gotten power.

When the bill was presented to the Senate for the admission of the State of Kansas, after a long discussion, it was adopted, with a provision which required the State after admission to relinquish its claim to all the land asked for in its ordinance, except 5,000,000 acres, that being the largest amount which had been ever granted to a State at the period of its admission. There was also a provision declaratory of the right of the people to change their constitution at any time; though the instrument itself had restricted them for a term of years. I considered both those provisions objectionable; the first, because it was directory of legislation to be be enacted by a State; and the second, because it was inviting to a disregard of the fundamental law, and had too much the seeming of a concession to the anti-slavery feeling which was impatient for a change of the constitution. That bill failed in the House, and was succeeded by a bill of the Opposition which recognized the right of Kansas to be admitted with a pro-slavery constitution, provided it should be adopted by a popular vote. This also failed, and in the division between the two Houses, a committee of conference was appointed, which framed the bill that became a law.

As there has been much diversity of opinion in relation to that law, and I think much misapprehension as to its character, I will be pardoned for speaking of it somewhat minutely.

When it was known that the Conference Committee had prepared a bill, I being at the time confined to my house by disease, invited my colleague and the Representatives from the State to visit me, that we might confer together and decide upon the course which we would pursue. Before the evening of our meeting, a distinguished member of the House of Representatives, a member of the Committee, called and read to me the bill which they had prepared. It contained some features which I considered objectionable. He concurred with me, and promised to use his efforts to have them stricken out. When the Mississippi delegation assembled, our conference was full, and marked by

the desire, first to protect the rights of our State, and secondly, to secure unanimity of action by its delegation. The objections which were urged, referred, as my memory serves me, entirely to the features which I had reason to hope would be stricken out. One of the delegation announced an unwillingness to support the proposed modification of the Senate proposition, lest it should be considered as yielding the point on which we had insisted that Congress could not require the Constitution to be submitted to a popular vote. I refer to the lamented Quitman, whose sincere devotion to Southern interests, no one, who knew him, could question. I regretted that he deemed it necessary to vote, finally, against the measure, but I honor the motive which governed his course.

The ordinance which was attached to the Constitution, was not a part of it, but a condition annexed to the application for admission. If Congress had stricken the ordinance out, the effect, I believe, would have been that of admitting the State without any reservation of the public land; would have transferred as an attribute of sovereignty the useful as well as the eminent domain. The Southern Senators who received the soubriquet of Southern ultras, held that position in 1850, in relation to the public lands of California, and it constituted one of their objections to the admission of that State at the time it was effected. To modify the ordinance, that is to change the condition on which the inhabitants of Kansas proposed to enter into the Union was necessarily to give them the right to withdraw their proposition.

It remained then for Congress if they reduced the amount of land asked for in the ordinance, either to provide the mode in which the inhabitants should accept or reject the modification or leave them to do it in such manner as they might adopt. The convention was defunct, the legislature was black republican and thought to be entitled to little confidence, and it seemed to be better that Congress should itself provide the mode of ascertaining the public will than leave that duty to the territorial legislature, such as it was believed and proven to be. It was a mere question of expediency, and I think the best course was pursued.

To have admitted the State without modification of the ordinance, would have been to grant five times as much of the public land as had ever been given to a State at the period of admission.

There was nothing to justify such a discrimination, and otherwise the State could not be admitted without referring the question or violating the principle of State sovereignty.

As a condition precedent, the general government may require the recognition of its rights to control the primary disposal of the land, but can have no right to impose a condition with the mandate that it shall be subsequently fulfilled and no power to enforce the mandate if the State admitted should refuse to comply. Not for all the land in Kansas, not for all the land between the Missouri and the Pacific ocean, not for all the land of the continent of North America, would I agree that the federal government should have the power to coerce a State.

The necessity for having all conditions agreed upon before the admission of a State was demonstrated by Mr. Soule, in 1850, in the discussion of the bill for the admission of California. Mr. Webster replied to him but did not answer his argument, and the course of events seems likely to verify all that Senator Soule foretold.

Of the three methods which were supposable, I think Congress adopted the best; it was the only one which was attainable and secured all which was of value to the South. It was the admission by Congress of a State with a pro-slavery Constitution; it was the triumph of the principle that forbade Congress to interfere either as to the matter of the Constitution or the manner in which it should be formed and adopted.

The refusal of the inhabitants to accept the reduced endowment offered to them, and their decision to remain in a territorial condition, was, in my opinion, wise on their part and fortunate on ours. The late Governor, Denver, has forcibly pointed out to them their want of means to support a State government, and the propriety of giving their first attention to the establishment of order and the development of their internal resources. There were many reasons to doubt the fitness of the inhabitants of Kansas to be admitted as a State.

The condition of the country and the previous legislation of Congress made the case exceptional, and, in my judgment, justified the course adopted. I have, therefore, no apology or regret to offer in the case.

The Northern opponents of the measure have, among other denunciatory epithets, applied to it those of "bribery" and "coercion." "Bribery" to give less by twenty millions of acres of land than was claimed, and "coercion" to leave them to the option of receiving the usual endowment, or waiting until they had an amount of population which would give some assurance of their ability to maintain a State government. Though such is the requirement of the law, and designed to secure exemption from the mischievous agitation which has for several years dis-

turbed the country and benefited only the demagogues who make a trade of politics, we may scarcely hope to escape from a renewal of the agitation which has been found so profitable. The next phase of the question will probably be in the form of what is termed an "enabling act,"—a favorite measure with the advocates of "squatter sovereignty," who, claiming for the inhabitants of a Territory all the power of the people of a State, nevertheless consider it necessary that Congress should confer the power to form a Constitution and apply as a State. Congress has given authority for admission in some cases, but I think it better to avoid than to follow the precedent. Not that I am concerned for the doctrine of "squatter sovereignty," but that I would guard against the mischievous error of considering the federal government as the parent of States, and would restrict it to the function of admitting new States into the Union, barring all pretension to the power of creating them.

It seems now to be probable that the Abolitionists and their allies will have control of the next House of Representatives, and it may be well inferred from their past course that they will attempt legislation both injurious and offensive to the south. I have an abiding faith that any law which violates our constitutional rights, will be met with a veto by the present Executive.—But should the next House of Representatives be such as would elect an Abolition President, we may expect that the election will be so conducted as probably to defeat a choice by the people and devolve the election upon the House.

Whether by the House or by the people, if an Abolitionist be chosen President of the United States, you will have presented to you the question of whether you will permit the government to pass into the hands of your avowed and implacable enemies. Without pausing for your answer, I will state my own position to be that such a result would be a species of revolution by which the purposes of the Government would be destroyed and the observance of its mere forms entitled to no respect.

In that event, in such manner as should be most expedient, I should deem it your duty to provide for your safety outside of a Union with those who have already shown the will, and would have acquired the power, to deprive you of your birthright and to reduce you to worse than the colonial dependence of your fathers.

The master mind of the so-called Republican party, Senator Seward, has in a recent speech at Rochester, announced the purpose of his party to dislodge the Democracy from the possession of the federal Government, and assigns as a reason the friend-

ship of that party for what he denominates the slave system. He declares the Union between the States having slave labor and free labor to be incompatible, and announces that one or the other must disappear. He even asserts that it was the purpose of the framers of the Government to destroy slave property, and cites as evidence of it, the provision for an amendment of the Constitution. He seeks to alarm his auditors by assuring them of the purpose on the part of the South and the Democratic party to force slavery upon all the States of the Union. Absurd as all this may seem to you, and incredulous as you may be of its acceptance by any intelligent portion of the citizens of the United States, I have reason to believe that it has been inculcated to no small extent in the Northern mind.

It requires but a cursory examination of the Constitution of the United States; but a partial knowledge of its history and of the motives of the men who formed it, to see how utterly fallacious it is to ascribe to them the purpose of interfering with the domestic institutions of any of the States. But if a disrespect for that instrument, a fanatical disregard of its purposes, should ever induce a majority, however large, to seek by amending the Constitution, to pervert it from its original object, and to deprive you of the equality which your fathers bequeathed to you, I say let the star of Mississippi be snatched from the constellation to shine by its inherent light, if it must be so, through all the storms and clouds of war.

The same dangerously powerful man describes the institution of slavery as degrading to labor, as intolerant and inhuman, and says the white laborer among us is not enslaved only because he cannot yet be reduced to bondage. Where he learned his lesson, I am at a loss to imagine; certainly not by observation, for you all know that by interest, if not by higher motive, slave labor bears to capital as kind a relation as can exist between them anywhere; that it removes from us all that controversy between the laborer and the capitalist, which has filled Europe with starving millions and made their poorhouses an onerous charge. You too know, that among us, white men have an equality resulting from a presence of the lower caste, which cannot exist where white men fill the position here occupied by the servile race. The mechanic who comes among us, employing the less intellectual labor of the African, takes the position which only a master-workman occupies where all the mechanics are white, and therefore it is that our mechanics hold their position of absolute equality among us.

I say to you here as I have said to the Democracy of New

York, if it should ever come to pass that the Constitution shall be perverted to the destruction of our rights so that we shall have the mere right as a feeble minority unprotected by the barrier of the Constitution to give an ineffectual negative vote in the Halls of Congress, we shall then bear to the federal government the relation our colonial fathers did to the British crown, and if we are worthy of our lineage we will in that event redeem our rights even if it be through the process of revolution. And it gratifies me to be enabled to say that no portion of the speech to which I have referred was received with more marked approbation by the Democracy there assembled than the sentiment which has just been cited. I am happy also to state that during the past summer I heard in many places, what previously I had only heard from the late President Pierce, the declaration that whenever a Northern army should be assembled to march for the subjugation of the South, they would have a battle to fight at home before they passed the limits of their own State, and one in which our friends claim that the victory will at least be doubtful.

Now, as in 1851, I hold separation from the Union by the State of Mississippi to be the last remedy—the final alternative. In the language of the venerated Calhoun I consider the disruption of the Union as a great though not the greatest calamity. I would cling tenaciously to our constitutional Government, seeing as I do in the fraternal Union of equal States the benefit to all and the fulfillment of that high destiny which our fathers hoped for and left it for their sons to attain. I love the flag of my country with even more than a filial affection. Mississippi gave me in my boyhood to her military service. For many of the best years of my life I have followed that flag and upheld it on fields where if I had fallen it might have been claimed as my winding sheet. When I have seen it surrounded by the flags of foreign countries, the pulsations of my heart have beat quicker with every breeze which displayed its honored stripes and brilliant constellation. I have looked with veneration on those stripes as recording the original size of our political family and with pride upon that constellation as marking the family's growth; I glory in the position which Mississippi's star holds in the group; but sooner than see its lustre dimmed—sooner than see it degraded from its present equality—would tear it from its place to be set even on the perilous ridge of battle as a sign round which Mississippi's best and bravest should gather to the harvest-home of death.

As when I had the privilege of addressing the Legislature a

year ago, so now do I urge you to the needful preparation to meet whatever contingency may befall us. The maintenance of our rights against a hostile power is a physical problem and cannot be solved by mere resolutions. Not doubtful of what the heart will prompt, it is not the less proper that due provision should be made for physical necessities. Why should not the State have an armory for the repair of arms, for the alteration of old models so as to make them conform to the improved weapons of the present day, and for the manufacture on a limited scale of new arms, including cannon and their carriages; the casting of shot and shells, and the preparation of fixed ammunition?

Such preparation will not precipitate us upon the trial of secession, for I hold now, as in 1850, that Mississippi's patriotism will hold her to the Union as long as it is constitutional, but it will give to our conduct the character of earnestness of which mere paper declarations have somewhat deprived us; it will strengthen the hands of our friends at the North, and in the event that separation shall be forced upon us, we shall be prepared to meet the contingency with whatever remote consequences may follow it, and give to manly hearts the happy assurance that manly arms will not fail to protect the gentle beauty which blesses our land and graces the present occasion.

You are already progressing in the construction of railroads which, whilst they facilitate travel, increase the products of the State and the reward of the husbandman, are a great element of strength by the means they afford for rapid combination at any point where it may be desirable to concentrate our forces. To those already in progress I hope one will soon be added to connect the interior of the State with the best harbor upon our Gulf coast. When this shall be completed a trade will be opened to that point which will produce direct importation and exportation to the great advantage of the planter as well as all consumers of imported goods; and furnishing "exchange," will protect us from such revulsion as was suffered last fall when during a period of entire prosperity at home, our market was paralyzed by failures in New York.

The contemplated improvement in the levee system, will give to our people a mine of untold wealth; and as we progress in the development of our resources and the increase of our power, so will we advance in State pride and the ability to maintain principles far higher in value than mountains of gold or oceans of pearl.

But I find myself running into those visions which have hung

before me from my boyhood up; which at home and abroad have been the hope constantly attending upon me, and which the cold wing of time has been unable to wither. I am about to leave you to discharge the duties of the high trust with which you have honored me. I go with the same love for Mississippi which has always animated me; with the same confidence in her people, which has cheered me in the darkest hour. As often as I may return to you, I feel secure of myself, and say I shall come back unchanged. Or should the Providence which has so often kindly protected me, not permit me to return again, my last prayer will be for the honor, the glory and the happiness of Mississippi.

To Jefferson Davis

(From the Library of Congress. Manuscripts Division.)

Camp Simiahmoo, Wash^{n} Terr.
November 25, 1858

My dear Sir,

By the time this letter reaches Washington, you will be midway in the session of Congress which commences in ten days. And I sincerely hope that your health has been so completely restored this summer that you may reach its termination without interruption from sickness or ills of any kind. Its shortness I fancy must be a matter of congratulation to you—And I trust that before the commencement of the ensuing session, you may make up for any lee way you lose by close application to your duties as Senator.

Since you left Washington the newspapers have kept me informed of your movements and action as a public man—And through Mrs Campbell I have been kept advised of your domestic movements. I was very glad that you chose the healthful State of Maine for your residence during the Summer—And I feel confident that you must have been quite re-invigorated by its bracing atmosphere. The cordial and enthusiastic reception you met with at Portland was very gratifying to me—I read with much pleasure your speech on the occasion, as well as your speech on the 4th of July and one or two other occasions—I need not say with how much interest I watch your public career, and how agreeable it is to me to observe the prominence given to your name, and the importance attached to your public declarations. Even Bennett who for so many years, appeared to have no kind words or compliments for you, was forced to acknowledge he had mistaken or misunderstood

you heretofore—And to give you credit for broader and more national views than it was his custom to attribute to you. I do not suppose his praise or censure is a matter of much moment to you—nor is it to me further than to show which way the wind blows—For he seems very much alive to the wind of public opinion and his paper is an excellent Meteorological Register of the political world—The course you have always pursued has been so decided and straight forward—and so free from ambiguity that there is no mistaking it—And it is my opinion that such a course is the true one, even as a matter of policy—But when it arises from temperament and character, it is irresistible in commanding public respect and esteem though it may, and must make enemies. But even they will respect the man whom they dislike and fear. I saw by the papers that there was some grumbling in your own State papers at some of the remarks made by you in the North. How hard it is for a public man to please everybody—And indeed there is no use in trying to do so. But I do hope that the people of the United States will begin to look about for themselves as they did in the days of Gen[l] Jackson and select for their choice for the highest station within their gift that public man who has shown by his past life that he has not been trimming his sails to the wind—but has gone on steadily without turning to the right or left in the path he deems the path of duty—Among all the prominent men before the country you have the highest reputation for decision of character and unfaltering will in carrying out your views—There is an universal feeling on this subject—confined to no section or party—And in trying times such a man is wanted—The people get tired of mere politicians —and hankerers after the Presidency—and would rather select a man who differed with them openly and above board on some subjects—so that they believed him upright and honest. I sincerely hope that the immense number of candidates of all kinds and all descriptions may make it necessary to look around for the right man—And that by the time the Charleston Convention assembles, public opinion may fix upon Jefferson Davis as the man for the times. I am aware that the very decided views you have always expressed on the Slavery question may stand in the way—But I think the time is coming when the people will prefer to know exactly what a man's views are and then they will know exactly what to expect from him—His love of country and patriotism will be a sure guaranty to them that he will not deceive them in his promises—and that he will faithfully administer the laws of the lands for the benefit of

the whole country—I see a host of names in the papers—held up as candidates for the Presidency—Among them, men who would make very poor constables—But it is a sign that no man is safe from having that office conferred upon him. I should not be surprised to see Gov. McMullen on the track—Now that he is divorced from his old wife, taken to his bosom when he was a sturdy teamster—and has gotten a new wife wedded to him in his high position of Governor of Wash[n] Terr—his ambition may take a high flight—and Old Virginny—(who never tires) may come to the rescue. [Remainder lost].

Remarks of Jefferson Davis on the Territory of Arizona. Dec. 13, 1858.

TERRITORY OF ARIZONA.

Mr. DAVIS. On account of the confused condition in which the bill originally introduced in regard to the Territory of Arizona, and the amendment reported from the Committee on Territories, appear to be, I move to recommit the subject of the organization of the Territory of Arizona to the Committee on Territories, with instructions to report a bill for the organization of that Territory. I find the bill printed with a caption which, I think, is erroneous as to the adoption, by the committee, of the bill which was referred to it, and which I believe was not adopted by it. To get rid of the present confusion, I move to recommit the whole subject to the Committee on Territories, with instructions to report a bill for the organization of that Territory.

Mr. COLLAMER. I wish that motion divided. I have no objection to the subject being referred to the Committee on Territories, but I have objection to its being referred with any express directions. I wish the whole subject to be open to the committee.

Mr. DAVIS. My motion was to refer the subject of the formation of a territorial government for Arizona back to the committee——

Mr. COLLAMER. I have no objection to that.

Mr. DAVIS. With instructions to report a bill for the organization of that Territory.

Mr. COLLAMER. On that I want a separate vote.

Mr. DAVIS. Well, sir, let the question be divided.

Mr. GREEN. I think it rather premature to instruct the committee. We ought to have the subject before us and con-

sider it; but it would be an enunciation of the judgment of the Senate to give that instruction, and I think it wrong to pronounce that judgment in advance. I think it better to refer the subject without any instruction.

Mr. DAVIS. I will state the reason why I proposed the instruction. The committee have reported back, I think, twice, and we now have a bill for the organization of the Territory, and another bill for the organization of a separate judicial district there merely. If the object is to have a bill for the organization of the Territory, I thought it was well so to inform the committee; but if the committee did not fall into confusion, I certainly did under their action.

Mr. GREEN. I beg leave to correct the Senator. There was a bill introduced by the Senator from California [Mr. GWIN] to organize Arizona Territory, but the Committee on Territories have never reported a separate bill to organize Arizona as a Territory. They did report an amendment to one bill, giving a judicial district to this region and equalizing its representation in the Legislature of New Mexico. That is as far as the committee have heretofore gone, and now they are open to receive any information on the subject and to act according as they think the public interests require.

Mr. DAVIS. If the committee object to having instructions for the reasons offered by the present chairman of the committee, I have no desire to press the matter. The bill was printed with a caption stating that it had been adopted by the committee. If, however, it be not so, I have no objection at all to trust the committee. If they report back a bill for judicial organization merely, it will then be in order to move a substitute.

The PRESIDING OFFCER. Does the Senator withdraw his motion for instructions?

Mr. DAVIS. I have no wish to press it. I simply move to recommit the whole subject to the Committee on Territories.

The motion was agreed to

Remarks of Jefferson Davis on the Pacific Railroad Bill. Dec. 14, 1858.

Mr. DAVIS. Mr. President, the principal points of difference between the amendment which I have proposed as a substitute, and the original bill, I will, with the consent of the Senate, present to them very briefly.

First, no attempt is made in my substitute to locate the road. The original bill locates the road. I have always, from the time, at least, when I first considered the subject maturely, believed that it was not in the power of Congress to locate the road so as to be at all satisfactory to the country at large, or to give any assurance of the construction of the road, unless it is to be built by the means and the Treasury of the United States. In Congress, with all due respect to my associates, I must say the location of this road will be a political question. It should be a question of engineering, a commercial question, a governmental question—not a question of partisan advantage, or of sectional success in a struggle between parties and sections. To relieve it, then, of that feature, I have only indicated a connection between the States of the Atlantic and the Pacific, making neither beginning nor ending, and relying upon the contractors, their wits sharpened by their interests—the men whose money is to be involved in the construction of the road—to find, from examinations which have been made or may be made, where the road may be best located for the advantage of those who are to construct it, which, in other words, is the advantage of the country. I have very little doubt that if capitalists come forward to construct this road, they will discard all political and sectional considerations; that with them it will be a question of dividends, of the interest to be derived from the investment; and with them the location of the road will be a question of engineering; it will be a physical problem, determined by the face of the earth. Thus set apart, and thus fixing it upon the best route with the concentrated uses of the Government, I believe one road may be built. I look upon it as a herculean undertaking. I believe that that country between the Mississippi and the Pacific, which has been well denominated the desert, is to remain so; that from its meteorological conditions it can never be densely populated by an agricultural people; and that, therefore, the road will never be a paying one, except as it is required for the uses of the Government.

The events of the present moment strongly confirm me in the view I have heretofore entertained as to the want, I might say the necessity, of the Government of some overland railroad communication. From time to time our intercourse with our possessions on the Pacific has been disturbed; and just at this moment we are threatened with difficulties on one of the transit routes, which may, though I hope not, involve us in national troubles, which will close all of those routes to us until a navy shall be constructed which, by force, can open them. What,

then, would be the condition of the Pacific coast? As yet their agricultural resources have not been sufficiently developed to support even the population of the country, and still less an army that might be sent there. Separated from us by an intermediate desert, it is not within the power of the United States to give them adequate protection.

I once made a calculation, which was read yesterday to the Senate, of the expense of transportation. I think, in the same report, and if not, in some other, another view of that subject was taken, which exhibited the fact that, after the question of expense had been overcome, there yet remained a difficulty beyond, and that proved it to be an impossibility thus to supply an army on the coast of the Pacific. The reason is brief, and I will state it. The draft animals in crossing this wide belt of desert are compelled to live upon the grass. Grass and water are found only at certain places, and those sometimes so far apart as to make it difficult for a day's journey to span the intermediate space. It very soon follows that, train succeeding train, the grass is consumed or trodden down around all the watering places, and then no more trains can cross the desert until there is another crop of grass. Thus, I say, it is impossible with the present means of transport, to perform our duties of defense towards the coast of the Pacific.

This I hold to be a constitutional obligation upon the United States, and from that I derive whatever of constitutional power we possess for the construction of this road. If the Government of the United States, and the Government of the United States alone, had use for this road; if it had no commercial value; if it was unconnected with agriculture and travel; then I say, the United States would have the power out of its own resources to build the road, and hold it for its own uses. That, however, fortunately, is not our case. It has commercial uses; and it is right that all the interests which are involved in the construction of the road should bear a proportionate share of the burden. The United States is but a party; and as a party it appears both in the original bill and in the substitute. The $10,000,000 which the substitute proposes to advance, and which is to be refunded, is a very small representative of the money which is annually paid for the transportation of mails alone. If to that you add the cost of the transportation of troops and munitions of war for the Army and Navy in time of peace, it will be found, I think, that in several years that amount has equaled the whole sum which it is proposed here to advance.

Another point of difference is, that the sum which is to be advanced is to be returned by the company as it has net profits. Instead of requiring the whole receipts of the company to be paid to the United States until the sum advanced has been returned, the net profits are only to be claimed on the part of the United States. My great object in this was, to prevent the danger of the road lapsing to the United States. I hold a railroad to be a sort of institution which the United States can neither own nor manage; that it must be in the hands of a company. I wished, therefore, particularly to avoid the danger of the road, from its becoming unprofitable, falling into the hands of the United States. And one of the changes made was, to remove from us as far as possible this hazard; and therefore it is that only the net proceeds, denying to them all dividends or reserved funds, are to be paid to the United States as they accrue, until the $10,000,000 advanced be refunded. To secure this, the next section of the substitute provides for keeping an accurate account of all receipts and expenditures, so as to give to the United States whatever of net profits there is, until the $10,000,000 shall have been returned. This is about one third of the sum provided for in the original bill, and, I think, is a small representative of the interest we have in the construction and use of the road—I mean the interest of the Government as separated from the great uses of the people and the uses by the different Departments of the Government for the transportation of the mail, the transportation of official correspondence, the sending out of agents, and the sending out of troops and munitions for the Army and Navy.

I have no expectation that we shall ever be able to pass a bill which attempts to fix the route; and whether it be the bill of the able chairman of the select committee, [Mr. GWIN,] or the amendment proposed by the Senator from Vermont, [Mr FOOT,] or any other attempt to locate the route, it but revives political dissensions and sectional warfare, of which, we surely, have quite enough on other questions. If the section of which I am a citizen has the best route, I ask who that looks to the interest of the country has a right to deny to it the road? If it has not, let it go where nature says it should be made. I do not hold that any section finds its final interest in the termini of this road. Build it where you will, whenever it spans that unpopulated desert, and which I believe is, the most of it, to be unpopulated forever, and reaches the agricultural regions, the valley of the Mississippi on the one side, and the slope of the Pacific on the other, roads will radiate in every direction

from the extreme north to the extreme south and at all intermediate points. There will be cultivated land and population along every trace over which the people may choose to build roads to their particular localities. From Galveston to St. Paul, to New York, to Baltimore, to Richmond, to Savannah, to Mobile, to New Orleans, to every point along the coast and in the interior, after you reach the cultivated region, it will be possible to run your roads from the end of this trunk, build it where you will.

After some years of examination of the subject, I informed the chairman of the select committee at the last session, that if the road as located by himself were constructed, and I was called upon to know how the town of Mobile should be connected with it, my plan would be, to run north to the beginning point, or within one hundred miles of the beginning point, as the only place where it could be connected by private capital; and the reason is this: a very short distance from the beginning point, perhaps not over one hundred miles, you would have an arid region, where the land would be utterly worthless; grant as many acres of it as you might, population of an agricultural character probably never would exist there. Never, I say, unless they have artesian wells to render the land fertile. How, then, is private capital to build its connection with this trunk road running through an arid desert? The great power of the United States might do it. They might build it of bars of gold, if they would, and I rejoice that I belong to a country so powerful and wealthy as to enable it to make that road; but private capital never could. It would remain an isolated road from its beginning, unless it ran so far south as to strike the road which the State of Texas is constructing, and I hope will extend as far as the Rio Grande.

I have offered this amendment because I thought it relieved us of all the political difficulties which are involved in the question, because I thought it reduced the amount of money to be given in aid of the enterprise to a point so low that we might well afford to do it, because it gives no more land than I believe is necessary, and does not create a corporation owning such a wide domain as to shut out population from the country through which the road is to pass. Let capital locate the road where it may. Wherever it shall prove to be profitable to capitalists to construct it, it will prove to be beneficial to the whole country, and I am willing to take the hazard, because I am confident that the road will go, if thus located on the proper route. I do not arraign others, and say they wish to locate it by Congress,

because of the possession of any political advantage here, or because they hope to wield a majority of votes here; but I ask them if it is not fair to treat this as a physical problem, and allow money and engineering skill to locate the road, instead of seeking to know where the largest number of votes can be obtained?

Mr. DAVIS. Mr. President, if I understand the Senator from Missouri, he argues that there is a constitutional necessity on Congress to locate the road before giving it assistance, and argues that the Government, a sort of myth——

Mr. GREEN. If the Senator will allow me, I would much prefer to have him, or any other Senator, not give his understanding of what I say, but to repeat my words. I merely remarked that there was a constitutional power to defend the country, and that if it be necessary and proper in the defense of the country to make a road of a certain description to meet the wants of the Government, we had the power to do it on a tolerably liberal construction, but that we must be the judges as to whether it was necessary and proper, and that the location of it, to a great extent, would influence the question whether it was necessary and proper to accomplish the end.

Mr. DAVIS. Did not the Senator say that Congress owed it to the country as an obligation upon it, to locate the road?

Mr. GREEN. Yes, if they undertake to make it.

Mr. DAVIS. Very well. Then the Senator holds that it is a constitutional obligation on Congress to locate the road if they give the aid to the company which is proposed in this bill, and he speaks of the Government as though it was a sort of myth, a thing standing alone by itself, of which the Senator announces himself an agent, and he assumes that the Government is to know where the road ought to be located, and therefore ought to locate the road; I suppose, understanding this physical problem, as Falstaff knew the prince, "by instinct." The Government, whether composed of Senators and Representatives, or otherwise, can have no knowledge of the country over which the road is to run other than as they derive it from the examinations and reports of others. He says, and says truly, that one road will suffice for the wants of the Government; but then where does he get his public opinion that makes that road begin from Missouri? It may be the public opinion of his own State, and his own locality.

Mr. GREEN. I assuredly did not name Missouri.

Mr. DAVIS. You did not name, but you located it as exactly as if you had named it. The predecessor of that Senator

used to be in the habit of telling us of a direct route, a dead level that used to lay across mountains, which, when surveyed, were found to be ten thousand feet above the sea. That was a part of the "instinct" of the Government that knew just where to locate railroads.

The whole proposition of leaving this question open, rests upon ground purely moral and highly defensible. It is that we have gathered as much information as we could collect; that we have no power without debate, doubt, or error, to decide where the best line to the Pacific is, but that having got information enough to enable us to say some of the routes are practicable, (and that was more than we knew at one time,) we now say upon some of those routes found to be practicable we desire a road to be built, we will aid in its construction; and to determine which of them is best we say we will accept bids from capitalists for the construction of the road, and in those who can build the road cheapest and in the shortest time must be found the best route. If, sir, it was proposed to give them so much a mile, and to increase it to an unlimited sum, then it might be supposable that a company would go around by the most circuitous route; if any route could be found where they could afford to build the road for the mere gratuity the Government offered; but when that sum is limited, when it is cut down in the substitute which I explained to simply $10,000,000, it is quite clear that they will not find that central and level route which was described in former years, the one over which they can afford to build the road for that amount of money, and the other aids offered by the proposition before the Senate.

If there be other inducements, and a company chooses to go there and build the road, well; and thus I say let them build it where they will. If they will cross that desert, it will answer the purpose of the Government, for strike the populated and agricultural country when and where they will, roads will run along the meridians of longitude, and reach every portion of our country. It is that great mass of mountain and desert plains, which lies in their midst, and on the eastern side of them, which constitutes the difficulty not to be overcome by private enterprise.

It is very easy for Senators to say, and it would be very acceptable to me if I could believe, that private companies might go on and build the roads whenever they pleased, and that we would give them the right of way; but this problem is the greatest undertaking which has been attempted for many centuries, and it is a difficulty too great to be overcome by private capital

in the present condition of the country. The period is remote, too remote for any man now living to foresee it, when that desert will so far be peopled that private capital can afford to build this road across it. The aid of the Government, and that aid not so much in this bill as in the contracts it contemplates for services to be rendered to the Government, the highest and most enduring inducement in the bill, and the very one that has not been noticed, may induce capitalists to build a road across the continent. When that road is built it will answer the purposes of the Government—build it even to Puget Sound. That it will be built there, under any view which I take of it, is a thing scarcely possible; but if I should be in error, (for I have none of that "instinct" which enables me, though a part of the Government, to tell where the best route is,) if it should be built there, then I ask you, will it be so remote from the center when it reaches the valley of the Mississippi? Roads are extending up the Mississippi now, and the great struggle of every eastern Atlantic city is to tap those valleys of the West. Everywhere capital is struggling in rivalry against capital, in neighboring cities, to see how far it can extend its roads and how much it can ramify them to reach those fertile plains that lie to the west; and whether this road come across through Texas, whether it come across over those mountains to Missouri, along the forty-second parallel, or whether it come along the forty-ninth, whenever it shall reach those cultivated valleys, every commercial city, from New Orleans to Boston, will be linked to it by iron in a very short period. Already, a town even further north and east than the one I have named, is extending its connections, coupling itself with works of internal improvement in Canada, and reaching strongly out towards the Rocky Mountains. If it were done, though it would not answer all our purposes as well, perhaps, as some other location, it would answer our purposes and enable us to reach any point on the Pacific in eight or ten days.

I do not, therefore, admit the solidity of the argument of the Senator from Missouri. But I would have allowed his argument to pass, if he had not put all those who differed from him in the attitude of abandoning a constitutional duty, and failing to perform a function which was imposed upon them, and which he claims they are, without constitutional authority, about to delegate. It is no delegation, Mr. President, to say that we will allow capitalists, any more than it is a delegation to say we will allow engineers, to aid us in the location of this road. Capitalists, sharpened by their own wit, studying the soil, the

profile, and the natural history of the country as furnished to them by exploring engineers, come in aid of the United States in the location of the road. It is a valuable aid, and most valuable because it is necessarily, so far as we are concerned, disinterested. Their interest is to build it for the least money, and to get the largest returns. Are they going to build it where it will not answer the purposes of the Government? It would be stultification, indeed, on their part, if they would invest their own money in the construction of a road over a route so remote, so circuitous, so little useful to the country, that it would not, after it was completed, answer the purpose of the Government. It seems to me to be conjuring hazards from the land of dreams, to imagine that a company of large capitalists will construct the road at a place where there would be nothing to carry upon it; and there would be nothing to carry upon it if it was constructed in such a locality that it would not answer the purposes of the country.

Mr. GREEN. Mr. President, I think I must have been a little unfortunate in my mode of expression, else I do not see why the Senator from Mississippi could take any exception to my urging, as my own reasons for my own vote, what I regarded as my constitutional duty.

Mr. DAVIS. I did not so understand you.

Mr. GREEN. I think I must have been exceedingly unfortunate if I was not so understood. I do not expect to shadow forth the thoughts and impressions and opinions of other Senators' minds. Their opinions of constitutional duty and obligation may be different from mine; but I undertake to speak for myself, and to represent the opinions I entertain. Nor need the Senator undertake to lessen the force of these objections by saying that the Government cannot know by instinct. I trust I never laid the foundation for any such idea as that.

We are required to legislate on other subjects as well as on the subject of Pacific railroads; but who believes that we learn our business with regard to military affairs by instinct; with regard to the judiciary by instinct; with regard to the ten thousand interests that affect this vast Union by instinct? And yet we talk and we act and we legislate upon those subjects with definite exactness; but because we are so required to legislate, no one supposes that it implies an imputation that we learn these things by instinct. If we do not know where the road ought to be, and if its location is an important element in the consideration of the question whether or not it be necessary and proper for the Government, then we are not ready, with

our information, to legislate on the subject. And to say that, because my predecessor thought a certain route was a good route.

Mr. DAVIS. The best.

Mr. GREEN. Well, say the best route, and subsequent explorations show it to be impracticable, affords no argument against our undertaking to perform that task with the great lights shed upon it by that branch of the public service over which the Senator from Mississippi presided. Because Senator Benton, whose fame will stand notwithstanding these remarks, made use of such an expression, what has that to do with the point of objection that I made to this broad latitude, and the transference of a subject on which we ought to act, to other and irresponsible hands?

There is another consideration. When capitalists and commercial men take hold of this subject, they act with reference to their interests, their benefit, their good, their money-making plans. When we act as the representatives of the States, I trust no such consideration enters into our action. But the only question is, where does the want of the Government require it to be placed? Is that place practicable, from the lights and information collected in the War Department? Are we justified in selecting that as the location? Approximate, come as near as possible to it; you can define the termini upon the east and upon the west, because you know the points between which you want the Government service performed. We are not talking of commerce. It has been demonstrated that two hundred pounds' weight—the weight of a barrel of flour—cannot be transported on rails from the city of San Francisco to the city of New York for less than nine dollars and some cents; and hence the idea of a general commerce from city to city by railroad is out of the question. It has to go by other routes. The main object of this road is to meet the necessities of the Government in transporting the mail, in affording those facilities of communication which the wants of the Army and the wants of the Navy may require; and these are the only wants that ought to address themselves to the consideration of the Senate. Incidental benefits to commerce springing out from it may well be considered, but they ought not to influence our action in locating the road.

I have indicated no point, and, as I remarked before, I do not know that I shall. If I see a proper disposition in the Senate to give it a fair consideration, I most assuredly will give

my opinion on it, and make a proposition in accordance with that opinion. But my purpose now is, to show that we are not legislating according to my understanding of my duty; and for that reason I shall vote against the amendment. We are undertaking to execute a specific plan to provide for the defense of the country. We are asked to say that this is a necessary and proper means of providing for that defense. I cannot answer that question until I know where the road is to be; because, if it be put on either of the extreme routes, according to my honest judgment, it will be neither necessary nor proper to meet the wants of the Government; and for that reason I will not transfer the decision of the question of that necessity and that propriety to hands to whom it has not been delegated by the States and the people—to capitalists. I will undertake to act upon it myself; and if I err, I shall remember that "to err is human."

Mr. WILSON. We have ordered some amendments to be printed, and also the bill presented to-day by the Senator from Minnesota. The Senator from Wisconsin has a bill which I think he intends to present. I should like to look at it, and have a little time to examine these various projects with some degree of care. I move, therefore, that the further consideration of this subject be postponed until Monday next, so that we may prepare ourselves to take up the matter, and continue it then until it be settled.

Mr. DOOLITTLE. If the honorable Senator will give way, I will ask unanimous consent to introduce as an amendment to this bill, what I gave notice of my purpose to introduce as a substitute for the original bill. I will not ask that it be read, but that it be printed.

There being no objection, it was ordered to be printed.

Mr. DAVIS. I should like to hear the pending amendment read. There have been several changes in it, and I do not exactly know how it now stands.

The PRESIDING OFFICER. The Secretary will read the proposed amendment.

The Secretary read the amendment, which is in lines seven and eight, of the first section of the bill, to strike out the words: "on the Missouri river, between the mouths of the Big Sioux and Kansas rivers," and insert in lieu thereof:

Between a point in the boundary of Minnesota on the forty-ninth parallel of north latitude, and the mouth of the Mississippi river,

Mr. DAVIS. "The mouth of the Mississippi river" is a very indeterminate phrase.

Mr. SEWARD. Say "the Balize."

Mr. DAVIS. That would be equally so. If you would say the mouth of the Rio Grande, it would certainly include the western frontier. [Laughter.] But I suppose something must be meant in relation to the line of the road. Now, the road can neither start from the mouth of the Mississippi nor the mouth of the Rio Grande.

Mr. IVERSON. Say "the southern boundary of the United States."

Mr. DAVIS. If you say "the southern boundary of the United States," very well. One of the reasons why I asked for the reading of the amendment was that I had heard the thirty-second degree of latitude announced. That would not do; because that would be to raise a question which has been argued, and on which I expect the opinion of engineers may well be in doubt, as to the best crossing point thereabout, and the thirty-second parallel is not our southern boundary. It is, perhaps, some minutes south of that; but just there is an important point. If you say "the southern boundary of the United States," it will include all those places.

The PRESIDING OFFICER. The motion now before the Senate is to postpone the further consideration of this subject until Monday next.

Mr. GWIN. I think we had better vote on the pending amendment. ["No, no."] If it is understood by the majority of the Senate that the subject will come up again on Monday, I have no objection to a postponement. My great object is to have as early consideration of this question as it is possible to obtain after full information shall be before the Senate. If the proposition is to postpone for the purpose of putting the bill in such a position that it cannot come up, I object to it; but if it is for the purpose of taking it up then, and proceeding with the discussion, I have no objection. If a majority of the Senate wishes for more time, (and there is evidently a majority of the Senate in favor of a Pacific railroad, as has been shown by the test vote to-day,) I am willing to postpone it to Monday that we may then mature the bill.

Mr. WILSON. I make this motion to postpone simply for the purpose of examining these various projects with some degree of care preparatory to giving an intelligent vote on the subject. I, for one, am willing to take up the bill on Monday next, and to adhere to it until it be settled. ["Agreed."] I do not make

the motion for the purpose of embarrassing the question in any respect whatever.

The PRESIDING OFFICER. Does the Senator from Mississippi move to amend the pending amendment in the manner suggested by him?

Mr. DAVIS. Yes, sir. Instead of the words, "mouth of the Mississippi," I move to insert the words, "the southern boundary of the United States."

The PRESIDING OFFICER. Unless objected to, it will be considered the sense of the Senate that that be the proposed amendment. ["Yes."] It will be so modified. The question now is on the motion to postpone the further consideration of this bill until Monday next, at one o'clock, and make it the special order for that time.

Mr. MASON. I am not disposed to protest against any disposition of the bill which its friends choose to make of it; but I think we had better go on with it and end it. As to understanding, I think we have seen enough, from the discussion here to-day among the friends of the bill, to show that it is not susceptible of being understood by any delay that may be given. I have looked into the report of the Superintendent of Public Printing to-day, and it states, I think, that the tenth volume of the Pacific railroad explorations and survey is now in the course of being printed, and is not yet finished.

Mr. DAVIS. If the Senator will allow me, I will state to him that all the exploration has been printed long since. That volume is the work of *savans* who have been engaged on the entomology, and botany, and geology, and other branches referred to them.

Mr. MASON. I have no doubt the Senator is correct. I only spoke of the fact that the tenth volume of this exploration or survey for a Pacific railroad is not yet finished. Whether it contains any surveys or not, I do not know. I have looked into the volumes heretofore furnished, and no more. I do not know that any Senator has been able to read them, unless he devoted his time to them exclusively. But I referred to the fact that there are ten volumes of the surveys, which are not yet finished, as confirmation of my suggestion that the subject is not at present susceptible of being understood. I do not think, therefore, that any advantage will result from the delay. I think we had better go on with the bill, and dispose of it in some way.

Mr. GWIN. Then I shall insist on going on with the bill to-morrow; and I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

Remarks of Jefferson Davis on the Pacific Railroad bill Jan. 11, 1859.

Mr. DAVIS. Mr. President, I feel very reluctant to misapprehend the Senator from Massachusetts, and to reply to his remarks without correctly understanding their meaning. Therefore I wish to ask him whether, in arraigning the last Administration as having used all its power to "belittle" northern lines and to "magnify" the extreme southern line, he intended to imply a want of integrity in the performance of the duty assigned to it to find the most practicable and economical route?

Mr. WILSON. I will say, in regard to that, that the Senator from Mississippi had for four years the direction of these surveys, and I do not question here, or anywhere else, his integrity; but I do say, what I believe to be true, and what I think any man who has ever read the reports of the surveyors, and his own comments upon them, his own deductions and inferences, and who has examined carefully the policy of the Government, will say, that his general opinions, his feelings, or some matter that might spring from his location in the country and from his general views, did, to a certain extent, color his actions. I do not here question his integrity or his honesty in any way whatever; for, so far as my experience goes, I have no reason to do it; but I do say that I think no intelligent man can rise from the perusal of those volumes and not say that he thinks the Senator's elaborate report on the surveys is not sustained by the evidence in the surveys; and that the Government, by its purchase of territory, by its introduction of camels, by its sinking of wells, and all its other policy, has elevated the southern route and let the others, to a great extent, take care of themselves.

Mr. DAVIS. Then, Mr. President, the Senator attributes to me a bias on account of my location—my residence. I believe no man loves the section in which he lives better than I do. Every fiber of my heart would respond to the rights and the interests of that section, whenever they are involved. But I feel, sir, that a public officer has a higher duty than that which his sentiments and his feelings prompt, and I think I can show to the Senator that he is entirely mistaken in the conclusion at which he has arrived. As he does not question my motives, so I shall not question his; but I think I can conclusively prove to him, or to any other man who may be prejudiced like himself, that if there be a difference at all, it is upon the other side. I am not conscious of ever having favored one line or the other; but if the

proofs lead irresistibly to any conclusion, the record would convict me of having favored the extreme northern line; so it stands.

It will be remembered, Mr. President, that when Congress made an appropriation directing the War Department, by topographical and other engineers, and other persons, to explore the country, so as to determine the most practical and economical route for a railroad from the Mississippi to the Pacific, I was at the head of the Department of War. I organized companies to survey lines wherever previous explorations, wherever the reports of trappers and hunters indicated that there might be a practicable route for a railroad. Even against what I believed, from examinations partially made, would be found, and because of the constant assertions made in the two Houses of Congress of the practicability of a particular route, a party was organized and explored it. It was the only line which was finally pronounced wholly impracticable.

Then, sir, as to the manner in which those parties were organized. On the route of the forty-ninth parallel, a party was organized, at the head of which was placed a gentleman recently distinguished as an officer of the engineer corps, who had been for a long time employed on the coast survey, and therefore was particularly trained to the exact character of observation which he would be required to make, he had recently left the United States military service and been appointed Governor of the Territory of Washington. Where, in the whole length and breadth of the land, could I have found a man with higher indications of qualification, or one who could have been supposed more earnestly to desire to find a practicable route to that Territory, than Isaac I. Stevens, who was appointed to the command of that party? Then, sir, not only did I select this person thus described, but his was the first party to whom instructions were given, the first party for whom any provision was made. This was because I knew it was the most difficult exploration, and therefore should have the largest amount of time; not that I cared for one route more than another. Between me and my God, I can stand and say I had no purpose but to perform my duty like an honest man. I am glad that has not been arraigned.

Not only was this party the first organized and a man thus specially qualified put in charge of it, but the quartermaster's department was required to furnish trains; and a large sum of money, supposed to be not less than $15,000, and a corps of sappers and miners were given to it, and a number of military officers not furnished to any other expedition. Now, perhaps, I

may be asked by the advocates of the southern line why was this done? My answer is, it was an unexplored region; it was filled with savage and hostile Indians, and the party was organized to acquire that sort of information which was necessary not only for a railroad, but for the military purposes of the Government. Because of its peculiar relation to the inhabitants, and the wants of the country, it derived this special advantage, and received $15,000 in cash from the quartermaster's department, besides the sum of money which was turned over to it from the appropriation for the specific work. There were seven officers of the Army attached to the expedition, besides the detachment of sappers and miners, some of whom were non-commissioned officers. Their pay was taken from the appropriation for the support of the Army, and not charged to the expense of this exploration. To the other exploring parties, only two officers of the Army were given; an advantage of two to seven. If to the sum of $74,000 which was set aside for this exploration, you add one half the sum expended for the party for explorations of the connections with San Francisco, $21,000, it appears that this party received $95,000 in money, out of the appropriation for the exploration and survey of routes; a larger sum than was given to any other route.

I ask, then, how can a man whose eyes are not utterly blinded by his sectional prejudices, arraign the fairness with which that money was distributed to the parties engaged in the exploration? Then looking southward, on the route of the forty-first and thirty-ninth parallel, $38,000 were given. The eastern half of this route having been explored by Frémont and Stansbury, it was unnecessary to go over it again; it was a champaign country. This reduced the line of exploration, and consequently reduced the amount of money which was required for it, and therefore but $38,000 were given. Then adding one half the expenditure for exploring the connections with San Francisco, $21,000, you find for this line a total of $59,000.

Then on the route of the thirty-fifth parallel, $58,000 was given originally. Adding one half the sum for the connection with San Francisco, $23,500, makes $81,500 for the route of the thirty-fifth parallel. On the route of the thirty-second parallel, in 1854, $29,000 were given; and, to ascertain the practicability of obtaining water by sinking artesian wells in regions of a certain character, west of the Rio Grande, $20,000, making a total for 1854, on the thirty-second parallel, of $49,000. Then further explorations for a better connection with San Francisco in 1855 involved additional expenditure, which, with the com-

pletion of the work previously commenced, raised the total on that route to $72,500; or, stating it differently, $37,500 in 1854, and $35,000 in 1855, making a total of $72,000.

Then let us divide it between the two sections of the country. This apportionment was made with no intent to favor one or the other; but was, as I have stated, purely accidental, and was not discovered until I saw in a newspaper the miserable charge that this money had been appropriated to the benefit of the southern route. I then had a comparison instituted, and it turned out to be, dollar for dollar, exactly equal—$154,000 for the southern, and $154,000 for the northern routes, regarding the thirty-fifth parallel as a southern route. This included both the first and second appropriations. In addition to these expenditures, there were certain expenditures for the office of the railroad exploration. They were common to all, and therefore are charged upon each.

As to the sinking of the artesian wells, the first expenditures were made on the line of the thirty-second parallel, and have been included in the charge against that line, though in fact being for the interest of all. Afterwards, as it had not proved successful, but was attended by such indications as rendered it probable that water could be obtained to flow on the surface of the earth, Congress, without the recommendation of the Department, made an appropriation of $100,000. Why charge that against the Administration? I say, that without the recommendation of the Administration, Congress made that appropriation. They made it for a larger sum than I believed to be necessary. The officer returned to the work and prosecuted it without success, and it is now probable that we are to be disappointed. At least the last accounts which I heard of it were that a vein of water had been struck between two strata of rock, and that the current flowed with such velocity as indicated an open channel, and destroyed the probability that it would ever rise to the surface. Whether the boring has been commenced at another point or not, is more than I can tell. It is not at all improbable, however, that within a short distance, in the same region, he may strike water which would rise to the surface of the earth.

Why were these artesian wells attempted? The Senator seems to think it was to render a line practicable which nature had rendered otherwise. Not so. It is true, the boring of these artesian wells was connected with the question of the railroad, but it was connected with a much broader question. It was whether all that arid desert, which separates the population of

the East and the West, upon every line of road, could ever be rendered fit for the habitation of man. If artesian water could be obtained, and flow upon the surface, it would first produce grass, subsequently timber, and a country which otherwise will remain a desert forever, would be made the habitation of many, and be converted to the uses, if not of agriculture, at least those of pastoral life. It was but tributary to the railroad. It was commenced on the *Llano estacado,* and not far from the river Pecos, because it was believed to be one of the least probable points, and if it could succeed there it would certainly succeed on the desert plains all the way north to the British possessions. If it had succeeded there, I do not doubt but that experiments would have been made hereafter by companies—the expense would be beyond the power of individuals—and that districts would have been converted to pastoral uses; and I trust yet there are many in the Senate who will live to see the day when that will come about, and when a country where rain and dew are denied by meteorological condition, will be rendered fit for the uses of civilized man, and contribute greatly to expand not merely the wealth of the West, with which it is geographically connected, but the wealth of our whole country.

Then, sir, as to the question of this arid region. The Senator has omitted to read to us from the Secretary's report showing the aridity and desert character of some portion of the country crossed by the thirty-second parallel, as though that was a matter which had never been presented to the country in connection with the explorations of this route, and yet he reads from the very testimony on which the report was made; and in that report, brief as it was—and surely it might have been read—he would find these facts stated in the same manner in which he has quoted them. He would have found, in the first instance, that I did not announce to the country that such a survey had been made as would justify capitalists in locating the road; I did not say that the question was concluded for all time to come; but I did say, and he will find it on the eighth page, that—

"If the results of the explorations made under these instructions do not furnish the data requisite to solve every question satisfactory, they at least give a large amount of valuable information, and place the question in a tolerably clear light. We see now, with some precision, the nature and extent of the difficulties to be encountered, and, at the same time, the means of surmounting them."

This is in the first volume of railroad explorations; and I may here also state that in this volume is contained the report of the

survey of the route near the forty-ninth parallel, being the only report contained in this volume, and thrown before the public a long time before any other one was published. It had in this another advantage; and here let me state how it arose. Governor Stevens, having charge of this exploration, made his report first, and therefore it was the first ready for publication. There was neither favor for that route, nor prejudice against it.

In speaking of this northern route, I did not, as the Senator seems to assume, declare that it was impracticable. On the other hand, I proved that it was practicable—practicable, but vastly expensive; and expensive because of the short curves so well described by the Senator from Iowa; expensive also, because of the heavy embankments which were to be made, and which, in the very brief period of these explorations, could not certainly be determined; and the probability now is, that if we were to return to the examination, and with more extended observations, greater capacity for determining the questions, we would find the level of all those streams at the periods of the greatest floods, such that the embankments would far exceed the estimates which have been made, and consequently would swell the cost of constructing the road on that route. It was in relation to the passes of the Cascade range that the Senator will find this sentence:

"But where the position itself is so unfavorable, the final advantages should be very great to determine the selection of this route. The information now possessed is sufficient to decide against this route."

What was the information? That the snow was twenty feet deep in the passes; that a tunnel had to be cut a thousand feet under the ground, with other difficulties; showing that one tunnel could not, by any means we could apply to it, be cut within ten years. Was it intended to decide against the route near the forty-ninth parallel? No; it was to show that it could not cross the Cascade range and go to Puget Sound, but it must turn down across the plains and go to the valley of the Columbia.

But the Senator says Army officers are peculiarly unqualified to form and give to the public an opinion worthy of confidence. Let us see whether the evidence before us is confined to the statements of military officers. Having indicated the route on which I believed a road could be built, by following the valley of the Columbia after crossing the Rocky Mountains, then comes the opinion of the civil engineer, Mr. Lander, the very character of person, the Senator says, who ought to have been employed, and who was sent with Governor Stevens as one of his party:

"From the Dalles to near Vancouver, ninety miles, the rocky bluffs close up the river, and the work required will be similar to that of the Hudson river railroad, along the mountain region. In the opinion of Mr. Lander, 'the high floods to which the Columbia river is subject, are serious obstacles to obtaining the best location for cheap construction offered by its valley.'"

Then he goes on to state the character of that river. Such is the character of the route, as reported by the officer in charge, aided by the civil engineer, who was with him. But we are told by the Senator that this is a route of fertility along which people of an agricultural character can fix their residence, and thus form the material, not only for building but for supporting the road. We are told of the desert character of the country on the thirty-second parallel. Why, sir, mile for mile, there is more desert reported, as my memory serves me, on the extreme northern than on the extreme southern route. It is there we find those terrible wastes of wild sage fit for nothing, it is said, but the camel to eat; where the horses of the party of exploration were nearly starved—a country of drifting sand. So it is described in the published reports. Why go out of the first volume containing these descriptions into a subsequent volume to find drifting sands. But before citing the opinions of the surveying officers in relation to the fertility of this northern region, I wish to show what statement was made by the then Secretary of War in relation to the northern route for a railroad; whether he concealed anything that was favorable to this line. After treating of the whole subject, this brief report says:

"From the Rocky Mountains to Seattle, wood, stone, and other building materials are found along the line of the route, or at points so accessible to it that it may be considered well supplied with them throughout.

"The information upon the character of the soil upon the route does not admit of satisfactory conclusions to be deduced. It is sufficient, however, to show that in this latitude, as in that of the Arkansas, the uncultivable region begins about the ninety-ninth meridian."

And then it proceeds with its geological character.

"The mountain masses, spurs, and table lands of the Cascade chain, east of the main crest, are sterile. There are exceptions to this general sterility in the mountain valleys, where the soil is better constituted for fertility and the rains more abundant; but, although portions of these are suitable for agricultural purposes, they are better adapted to grazing."

It next notices the estimated areas of fertile land. This brings me to what was said of the sterility of other routes. In regard to the route of the thirty-second parallel, this document said:

"From the report of Captain Pope, it would appear that the belt of fertile land which lies in the west side of the Mississippi throughout its length, extends on this route nearly to the head waters of the Colorado of Texas, in about longitude 102°—that is about three degrees further west than on the more northern routes. The evidence adduced in support of this opinion is not, however, conclusive."

I would say, speculative meteorology would render it probable, but so guarded was this report in relation to every route, that here, in speaking of the thirty-second parallel, it is said that the statement of Captain Pope, that fertility on that region extended to the one hundred and second meridian, is not conclusive, though he had abundant opportunities for observation, certainly more than any officer had on another line:

"The evidence adduced in support of this opinion is not, however, conclusive; and, until it is rendered more complete, the fertile soil must be considered in this, as in other latitudes, to terminate about the ninety-ninth meridian. Thence to the Pacific slopes the route is over uncultivable soil, though generally grassed, the exceptions being, as on the route of the thirty-fifth parallel, in portions of the valleys of the Pecos, Rio Grande, Gila, and Colorado of the West. The table lands and mountain slopes are usually well covered with grama-grass, and in New Mexico have supported immense herds of cattle. There are exceptions to this, however, on the greater portion of the Llano Estacado, on portions of the plains between the Rio Grande and the Gila; and (comprised in that space) from Tucson to the Gila, eighty miles, there is no grass on the route traveled, nor is it to be found on the Lower Gila valley."

The very thing which the Senator explored the report of Lieutenant Michler to find, and read as matter which had been drawn from some recess and never presented by the Department.

"Occasional patches of bunch grass only being found on the plain, and a species of grama-grass sometimes upon the mountain-sides. No grass is found on the Colorado desert, one hundred and thirty-five miles along the line of location.

"The length of the route through this generally uncultivable soil is twelve hundred and ten miles. Upon descending from the summit of the San Gorgonio Pass, on the route to San Pedro, the soil is fertile, and either well watered or can be irrigated."

Here, again, all speculation is omitted as to what might be obtained by using that which the ancient Hebrews always found the fertilizer of soil—water—to convert that sterile plain which is spoken of, on the west side of the Colorado, into land as productive as any which is cultivated by man either on this or the other continents of the globe. By merely tapping the Colorado river and turning the water out on that sandy plain which is here described as a desert, I believe California may there command an agricultural region which, acre for acre, will be equal to any upon the banks of the Nile; but at this and all other points of speculation, things not determined by an actual existing state of facts, and brought home as results of explorations, were excluded from the report.

Then, sir, I come to the geological description furnished by Governor Stevens of his own route:

"From the range called the Snake river divide, the whole character of the country is completely changed. Here the geological formation is basaltic and volcanic, principally. None of the numerous streams and rivulets flowing from the mountains, along the route we traveled, emptied into the Snake river, but either sunk into the ground or formed small lakes in the broad valley of the Snake river. The ground, in most places, is formed principally of sand; and where large beds of basalt are not found, the ground is of a dry, absorbing nature, through which the water sinks, at times bursting out again. It was somewhat singular, that for sixty miles above Fort Hall, along the main stream of Snake river, we did not cross but one tributary, and that coming in from the south, while none came in from the north; all of the streams, as before mentioned, either forming lakes or sinking into the ground."

He goes on:

"It extends for many miles in length and breadth, forming an immense ocean of prairie, whose sameness is only broken by the 'Three Buttes' of the valley, which rise like islands in the sea, in this broad and barren area. Its whole character might be included in the word sterility."

This is Governor Stevens's own account. The Senator could not find it there, but found it on the line of the thirty-second parallel. Again, Governor Stevens says:

"From the mountains bounding the Snake river valley on the north to Fort Hall, a traveled distance of one hundred and twelve miles, there is but one fertile spot of ground that could be converted to any useful purpose, and this is found at Cantonment Loring, five miles above Fort Hall."

Then again, under the head of "topography of the route from the Missouri to the Columbia," he says:

"The great plain of the Columbia, or plateau of Spokane, as it has been called, is bounded on the north by those rivers, on the west by the former, and on the south and east by the Blue and Rocky Mountains; it is about two hundred by one hundred and fifty miles in its greatest length and breadth, and presents such a curious variety of surface, that it has been alternately called a barren sage plain, rocky plateau, sterile waste, and sandy desert."

And he goes on to describe it, and shows that it deserves either one of these appellations. Such is the description of this land of rare fertility, where a teeming population is to maintain the road, according to the argument of the Senator from Massachusetts; and such is the report brought in by the men who explored it, and who perhaps as much, if not more than those on any other line, were interested in giving it its most favorable complexion.

The Senator arrays the persons who were employed as not competent. During the course of this debate, I have felt how fortunate the selection was. I have seen, at every stage of the debate, that we were, at last, to run into this poverty-stricken sectional quarrel—a thing from which I always turn with loathing; for which I feel only contempt. How fortunate, I say, it was, in this view of the case, that men were selected who, in their very boyhood, were separated from the interests of any locality, educated for their country and in its service, who are bound by habit as well as by other ties to their country, their whole country, and who went to these explorations without the influences that would sink them to the petty purposes which it is too clearly indicated must influence some portion of the argument we hear in this Chamber. The officers thus selected had their fame connected with the route they explored; they had their honorable sense of duty, and their professional reputation, involved in the exact presentation of the truth. If they could tell the truth, and show that they had discovered a favorable route, the best over which a railroad could be built, and thus identify themselves, to the end of time, with the exploration they had made, it was human ambition to do it. So far, then, as anything is said unfavorable towards the line they explored, it is to be set down to principle, to the love of truth, and the suppression of that ambition which would make every explorer desire to find the most practicable and economical route. When compendiums are

made by drawing from the reports what each has said in relation to his own route, it is to be supposed that the most favorable aspect of each case is presented, and that the comparative merits derived from these is probably that which future surveys, however long they may extend, will but corroborate. On every one of the lines explored, however, with a single exception, a practicable route was laid down. The route over the Coo-che-to-pa pass they found impracticable. The exploration must have convinced every one of its impracticability.

Then, again, the pass through the Cascade range, where it was expected the northern road would go to Puget Sound, was found impracticable; but it resulted only in turning from the Bitter Root down to the valley of the Columbia, and showing that a practicable route there existed. But a route terminating on the Columbia river or terminating on Puget Sound had not yet answered the great purposes for which a road was to be built; and therefore, under the second appropriation, another party was sent out, and other exploration was made, to ascertain whether the Columbia river could be connected with the harbor of San Francisco; and a further exploration was made to learn whether it was practicable along the valley of the San José, without the use of stationaries or double locomotives, to carry a railroad down to Los Angeles; and thus it was shown that we could construct a railroad all along the coast of the Pacific, without which I say its defense will never be complete. If we take into consideration the character of the country, and the immense valleys drained by streams, standing, as it were, upon here and there a single point of the coast, we are struck at once with the necessity of inland communication to connect the defenses of south with north California, and the defenses of California with those of Oregon and Washington.

If it should be found that the country described by the Senator from Massachusetts, but never found by the explorers, exists on the northern route, I think it would be very easy to show that a stated sum of money would furnish the highest inducement to contractors to adopt that line, and build the road, if they can get this large body of fertile land on it—mind, I say if, for I am sure it is not there. Having the Missouri as high as Fort Benton, and probably above it, on which to transport their materials and their provisions, having the Columbia river as high as Walla-Walla on the other side, they would thus bring their materials, their laborers, and their provisions, most cheaply to the line of road to be constructed, and would have the shortest possible line by which to connect the navigable waters of the one river

with those of the other, and thus have the earliest return of profits from the use of the road. With such advantages, I say if this fertile country did there exist, the contractors would have the strongest inducements, with a given sum of money and a variable amount of land, to take that northern route as the one they would adopt for the construction of a road.

Now, I do not think these conditions will be found to exist; and if, as appears from the reports, the construction upon this route is the most difficult and expensive, I do not believe that contractors would select it after submitting the speculation of the Senator to the test of examination. But I only set my opinion upon an equality with that of others; and if other Senators are as confident in their opinion as I am in mine, then I see no ground why they are not willing to take the hazard which I am willing to risk, being confident the route will not go there, but to the South. They attribute to me the desire to secure a southern location for the road on grounds of sectional advantage. I am confident that that would be the location adopted by contractors who invested their own money in the enterprise; and I wish to say one or two words only on it in a sectional aspect. It has been constantly argued as though the South were most eager, for sectional purposes and advantages, to get the road constructed upon the thirty-second parallel. As a southern man, I have no such motive. My opinions are the reverse. I believe that, if the railroad ran across the continent on that parallel, it would bring those hordes of "carpet-bag men," who are always dangerous to the slave population of the country with which they are mingled. I do not believe that would be any advantage to our section. We prefer the more slowly progressing and more stable population that would come over the wagon road.

I say that, in a sectional point of view, I do not feel that the South has any reason to ask for the thirty-second parallel railroad. I do not believe it would be to her advantage, in a mere sectional point of view, to have the road constructed there. I believe a road is necessary. I ardently desire to see a road built somewhere. I do not believe that the road will be built with any sum the United States is likely to give, upon any other line than that. I believe it to be the most practicable and economical route connecting the Mississippi with the Pacific. Then I think the construction of a railroad, by Texas to the Rio Grande, will so shorten the link still to be built, that it will secure that location for the construction of the proposed railroad. I do not believe any aid we are likely to give would build a road from the Mississippi to the Pacific on that parallel or any other; and

the only reason it will build it there is because Texas projects her road across her own domain as far as the Rio Grande. That is my view of it.

I think the mines that will be intersected by that line of road will be immensely valuable. The silver mines, if they are as rich as believed, will attract thither a large amount of population; and the supplies for laborers in those mines, as well as the transportation across the continent, will give to the road some probability of making a fair return to those who construct it; but it is because I believe it to be necessary for the Government, and for that reason only, that I have ever been willing to give one dollar to the construction of a road to the Pacific at all.

I have noticed the principal points in the remarks of the Senator. I hope he will review his opinions in relation to these artesian wells, and find that they did not belong to the construction of a road on the thirty-second parallel, and that they were not projected and carried out under the last appropriation, either by the recommendation or otherwise, by any indication of the Administration then in power.

The Senator further says, however, that we have expended $10,000,000 in buying a territory in order to construct this railroad. I really thought we had much higher objects. I think we have gained a great deal more. I think we have gained a country, the value of which is only being now realized by the public generally. I think we have acquired land that will be rich in the production of those articles which will be most profitable in the trade with Asia; that we have acquired the richest mining region within the United States; that we have acquired a portion of the best mining region Spain possessed when she held the mineral lands of this continent. I think we have procured a region where silver is in its richest deposits; and that we shall be able, whenever we get the means of transporting it from its location, to equalize the currency of the world between the gold and silver coin employed. I think these are great advantages. I think they will contribute to the building of the road, but that we might well have acquired that territory, even if railroads had never been invented or constructed.

Again he says: "we got camels to traverse this arid desert." This arid desert where? That vast plain on the route of the forty-ninth parallel covered with sage, is the very desert which nothing but the camel can ever profitably pass over. It is the only desert I know of in the United States where they cannot get some grass. But it was not on account of railroads that those camels were purchased by the Government. This subject

was agitated before a railroad across the continent was ever presented to the minds of Congress. I do not recollect the year, but when I was formerly a member of this body, a good many years ago, I introduced a proposition to purchase camels for the purposes of army transportation. It went on from year to year, gaining more and more favor, until at last Congress most wisely passed a law appropriating a small sum of money to import the camel and make the experiment, to see whether or not it would be fitted, in our climate and country, for purposes of army transportation—army transportation anywhere, everywhere. I regret exceedingly that these camels were not consolidated and sent up to Fort Leavenworth, to be used in the transportation to Utah, where I think they would have exhibited their value to the country in a higher degree, perhaps, than we shall have an opportunity hereafter to show.

As to the vast expenditure for artesian wells, I have shown that the first outlay was included in the sum charged to the thirty-second parallel route, though it might have been brought into the general average. The larger expenditure was from an appropriation subsequently made by Congress, which appropriation is now in the course of expenditure, and the final results of which I do not know; but it is probable that, whether successful or not, the experiment of boring will not be confined to the region of country in which it was commenced, but will be tried in other regions, so as to see how far it is practicable to convert these sterile plains into fertility, by bringing water from hidden depths to flow on the surface of the earth.

I do not understand the Senator's expression, which he used several times, as to the route proposed to be constructed near the thirty-second parallel being a disunion route. I do not understand what he means when he speaks of the route proposed to be constructed as a disunion route.

Mr. WILSON. Does the Senator wish me to explain it?

Mr. DAVIS. If you please, sir.

Mr. WILSON. I said that since the speech of the Senator from Georgia, proposing to build a southern road, so that when the South dissolved the Union it would come within the southern confederacy, I thought the thirty-second parallel route, which had been known as the desert route, might be called the desert and disunion route.

Mr. DAVIS. That is the quarrel of the Senator from Georgia. I have nothing to say in relation to any remarks made in reply to the Senator from Georgia. He can much better take care of himself.

The Senator says he is in favor of building a road with the money of this Government. Now, sir, I had some difficulty, in the beginning of this question, to see how the Government was to furnish aid at all. It was necessary to explore the subject, before I could satisfy myself that the Government could constitutionally furnish aid in the construction of this road; and if I had not satisfied myself that it was necessary for the Government, that it was a means of defense, that it was essential to the performance of its duties towards the Pacific slope, I should have remained with those who probably will vote against it upon the ground that the Government cannot so appropriate its money constitutionally. When I reached the conclusion that the Government could not defend its Pacific slope without the construction of this road, that it was a means which was necessary to the performance of its duty, then I saw nothing in the character of a railroad over any other road which should prevent us from making appropriations to aid in its construction. We construct annually military roads, and make some very unwise appropriations, I am inclined to believe. But if we can construct them of earth, why not of iron? If we can use wooden rails, as we do in crossing marshes with causeways, why not use iron rails? They would outlast wooden rails. If they were cheaper, why not use them of iron? Then, if you can use iron rails, and lay them cross-wise, why can you not lay them lengthwise? And this brings you to the construction of a railroad. What lies beyond this conclusion, that the Government cannot administer the road? A railroad, with all its working apparatus, with a company to manage it, is a sort of institution which the Government cannot administer. Therefore, though the Government might have power to build a railroad, an opinion reached by induction, as I have stated it, I would deny to the Government the right to administer such an institution as a railroad may be considered.

What then remains? That it may give aid to some company which, induced by commercial and other considerations, undertakes to construct and to work the road. We annually give aid in the form of land; sometimes I think we give it away where a prudent proprietor would not do it. But if you have the right to aid it in one way and for one consideration, you have the right to aid it in another way and for another consideration; it is a use of the means of the Government to secure the construction of a road. Here I believe that giving the land would not suffice; that giving peculiar privileges would not suffice. I believe you are bound to throw in all the aid you can constitutionally render, and that you are bound to strike off every shackle which has

been already imposed upon it, if you expect ever to see the road constructed. If you attempt to fetter it within particular lines, and thus increase the cost of construction, if you attempt to exclude the purchase of the cheapest iron, and thus heighten the price of the iron from which the road shall be constructed, you throw additional impediments in the way of that, the achievement of which I consider a Herculean undertaking, and which we may rather hope than expect to see accomplished.

As to giving away all the lands to the South if they will build a road, that is idle. Thank God, the lands are not the Senator's to give; and I take it for granted a majority of the two Houses of Congress do not anticipate the day when, following the brave suggestion of the Senator, they will turn over a vast district intended for the population of American citizens, in order that they may swell the coffers of some corporation. Let that corporation construct a road on whatever parallel it may choose, and I would restrict these grants of land to the narrowest limits; I would leave, as far as possible, the lands for the actual settler to possess. Instead of expanding, I would rather curtail in that respect; and I only would have gone to the extent indicated in the substitute which I proposed, because I believed it required extraordinary provisions to be made ever to secure the construction of the road. I am opposed entirely to the large grant of land which is contained in the bill reported by the committee. I do not think the Government should allow the corporation to take possession of such an immense district, erecting, as it were, principalities in the public domain, and excluding the citizens of the United States from their possessions.

It is with the views which now and heretofore have been presented that I have been from the beginning in favor of not attempting to locate the road by Congress, in favor of stating what aid the Government would give under certain contingencies to a road to be constructed, and then leaving the President to receive the proposals of those who would undertake to construct the road, and with that amount of discretionary power contained in almost every proposition which is presented, to leave him to select from the bidders the one that offers the best terms for the Government. The best location for the contractor will be the best for the Government. I mean to say the best location as viewed in the interest of those who build the road, will be the best location as viewed in the interest of the Government which is to use it. If the contractors can find that they will construct a road as cheaply and economically over the central line, so that branches will come in more rapidly from all extremities, and

connect with their trunk whenever it reaches a region of fertility, any prudent company would select it. If they cannot, if they find that they cannot obtain the means that will construct the road there, shall we wait, shall we postpone, shall we finally fail to construct the road, or shall we secure it by throwing open the whole limit of the United States, and inviting them to select that route which nature has most favored, and consequently where they can most surely and cheaply build it? The second is my view of the question. And if by haggling over petty sectional controversies, if by sticking in the bark of the Constitution, men shall defeat the efforts which have been made from session to session by my friend from California, and shall prostrate the last hope of building this road across the continent, and if we should become involved in a war with the great maritime Powers of Europe, the politician who has pursued that course may beg the mountains to come and cover him from public indignation; he will have lost to his country that which money never can regain—a territory worth untold treasure, and a *prestige* and honor more valuable than territory.

It has been, sir, in the elimination of these subjects, and the constant presentation of these views, that I have reached the conclusions which I have now very briefly presented; and I stand upon the ground that we should strike off every shackle which impedes the execution of this great work. I would be willing to abandon the right to collect duty on the iron employed, to give the whole limit of the United States from which to select a route, to extend every facility we can constitutionally afford, to insure the construction of the road somewhere, be it where it may, so that it is on the soil of the United States.

Mr. WILSON. Mr. President, I have listened very attentively to the Senator from Mississippi; I have listened to his explanation and exposition; and I cannot but repeat now what I have before said, that no disinterested man can read his summing up of the reports made without coming to the conclusion that he clearly thinks the evidence in those reports has established the fact that the thirty-second parallel is the route to be built. I do not mean to charge that Senator, in all this matter, with any want of honor or of integrity; but he knows, and I know, that the history of his life shows that he is deeply, strongly, intensely devoted to the interests of his particular section of the Union. When he talks here about sectional strife, the Senator must permit me to say that I know of no man in the Senate or the country, (and I say it with entire respect for him, which he knows I entertain,) who is more biased by sectional feeling

than the Senator from Mississippi. He is, I doubt not, unconscious of it; but the words found on the records of the Government, and the eloquent words he has uttered in the country, will sustain me in this position.

I say that the summary which he made of the results of the railroad explorations is not sustained by the facts of the case reported. I believe that influences have been used, perhaps imperceptibly, looking to the construction of the road on the thirty-second parallel. When a gang of speculators seized upon the splendid offering of the State of Texas—a splendid offering, indeed, one that ought, before this hour, to have carried a railway across that State, and would have done it in some portions of this Union—why was it that, when Robert J. Walker and the speculators in that great scheme wanted to make the road across Texas the route of the Pacific railway, we paid $10,000,000 for a piece of barren and worthless soil to carry this road there; and that, too, when the evidence of Stansbury, the evidence of Stevens, and of other men, if fairly construed, the knowledge that existed in the country, showed that you could carry a railroad across the central regions of the continent, and across the northern line; and when a railroad across the central regions would accommodate equally the North and the South? The Senator says the boring of artesian wells was ordered by Congress. Well, sir, we know how these things have been done by Congress. The last Administration had, and I suppose the present Administration has, though I do not know that I can find the man, a friend in this Chamber, and in the other House; and how was it that that measure came in here and was carried through? The examination has been made; it has been abandoned, and Captain Pope has gone further up into the regions of New Mexico, somewhere, I think, near Albuquerque.

I find, on examination, that Governor Stevens made a liberal estimate, and calculated the cost of a road on the northern line at from twenty-five to thirty or forty per cent. more than similar work on the eastern lines. The Secretary of War added $1,000 per mile to the estimate over what Governor Stevens made it. I further find that on the extreme southern route, the Senator, when Secretary of War, deducted $10,000 a mile for eight hundred or nine hundred miles, amounting to several million dollars, from the estimates of some of the engineers who went over that line.

Now I want to say here, once for all, that I do not charge upon that gentleman any impropriety. I only suppose that he has the common weakness to which flesh is heir, and has some regard for

his own particular people in that section of the country, which wants this railroad to go from Memphis, by way of Fort Smith, to the State of Texas; which has made a splendid offer to carry it six or seven hundred miles across that State, and then to go from El Paso to the Pacific ocean. I think the ultimate view is to go down to Guaymas, on the Gulf of California. The idea that this road is to go up to San Francisco I do not believe. I know that is not desired in a large portion of the country.

And now, sir, passing from the Senator from Mississippi, I have a word to say to the Senator from Iowa, and I say it with kindness of feeling. That Senator knows that I entertain for him personal regard and respect. He spoke upon this subject with a great deal of feeling and emotion; and I was amazed at the course of his remarks, and the feeling he exhibited.

Mr. DAVIS. Will the Senator from Massachusetts allow me, before he passes on to his general review of the Senator from Iowa, merely to read to him a passage which will show him (as I do not doubt his constant averment that he wishes to do me justice) that he is doing very great injustice in hunting everywhere, except the place where a man would naturally go to find it, for what I did say? If he will go to my report, he will find exactly what he seems to hunt somewhere else to discover. In speaking of Governor Stevens's route, he will find, on page 11 of this brief report, published in the first volume, and of which he has therefore been longest in possession, this language:

"Its cost has been estimated by Governor Stevens, by the Columbia river valley and the Cowlitz, at $117,121,000; the cost of work at eastern prices having had twenty-five per cent. added to it from the Bois des Sioux to the Rocky Mountains, and forty per cent. thence to the Pacific. It has been thought safer to add one hundred per cent. to the cost at eastern prices, from the eastern slope of the Rocky Mountains to the Pacific. This would swell the estimate to $150,871,000.

"Should Governor Stevens have included a full equipment in his estimate, $10,000,000 should be subtracted from this sum to bring the estimate in accordance with those of the other routes; and the cost then becomes $140,871,000."

He will find in the same report that no pretension is made to give accurately the number of dollars which each road would cost; but, by taking a uniform standard of measurement, to show the relative cost of the different routes. Therefore, it was necessary either to cut down or to add to the sums of the reporting officer whenever he departed from the adopted standard of

estimate, and thus secure an accurate comparison upon the report of the engineer, nothing else being relied upon.

Remarks on the Pacific Railroad bill Jan. 19, 1859.

Mr. DAVIS. Mr. President, I have been very much gratified by the remarks of the Senator from Louisiana. If he has killed the road, he cheers us by coming as a convert to strict construction in opposition to internal improvements. It is true he shows somewhat of zeal which is apt to be exhibited by new converts, which may outrun a little the limit of discretion, and undertake sometimes to arraign not only the opinions but the motives of others. But new converts are always zealous, and I welcome him to the ranks of the strict constructionists, who are all henceforth to oppose internal improvements. We are to have no more great schemes for rivers; no more grants to roads for the benefit of companies within the States; and are to come down to the old radical Democratic school, and vote for nothing which is not to execute some duty imposed by the Constitution, and warranted by some grant within it. I hope that the Senator's zeal will not wax cool on some other occasion, when he does not happen to find his interest running on all fours with his new convictions; and that we shall not find him on some other occasions, as heretofore, voting for measures which savor of all that he points out as objectionable in this, even in the view which he takes of it.

With this introduction, I proceed to notice some of the remarks offered by the Senator. He says it is quite easy to secure, on the coast of the Pacific, all the supplies which will be required for twenty-five years to come. Is it so? Has the Senator studied the difficulty of preserving power for twenty-five years? Does he know the impossibility of telling of what material gunpowder is made, unless you follow it through the mill? Has he marked the amount annually condemned and thrown away because of the impurities contained in the salts out of which it is manufactured? Has the Senator kept an account of the deterioration of provisions? Has he forgotten, within twenty-five years, the vast improvements made, not only in ammunition, but in the weapons with which it is employed? What, I would ask the Senator, would be our condition to-day if pork and flour, reduced to the condition it would be after twenty-five years' storage on the damp coast of the Pacific; if powder, in the condition it would be if it were kept twenty-five years, and originally made of imperfect material; if arms of the old standard of

twenty-five years back, were our whole reliance for the defense of our possessions on the Pacific? This is the condition in which the Senator puts himself for the future, unless he claims that we have reached that exalted wisdom which secures us from all errors of the present to be developed by the future.

He says this road is not required for national defense; and then proceeds, in an easy method—having got the supplies there that will not deteriorate, supplies that remain good for a quarter of a century—to march the men across the continent. If the Senator has acquired some knowledge by which the munitions of war and supplies for men are to be preserved indefinitely; if he has fixed the standard of arms so that no future change will be required on the breaking out of a war, then, perhaps, he has also acquired the power to smooth down the mountains, and fill up the cañons which nature has made, and to march men across places where, when the last explorers were there, a route could not be found. It may not be generally known to the Senate, and I call their attention to the fact, that there are, to-day, across this continent, within the limits of the United States, but two roads practicable for wagons. I have had occasion, in another position, to call the attention of Congress to the fact, also, that the permanent want of supplies upon those routes rendered it impracticable to pass large trains in rapid succession; that the whole means of sustaining the draught animals would soon be exhausted, and you would reach the point where your communication overland would cease. These men are not to be marched across the continent, I suppose, without having provisions with them. They are not to take a march of sixty days on what they can put in their knapsacks. I take it, therefore, the Senator contemplated a wagon road, over which he proposed to march these men. There are two within the limits of the United States to-day, not counting that of the thirty-fifth parallel, which, so far as I can learn, is not yet practicable for loaded wagons.

Then the Senator, progressing in his strictures, asks why do we select California? I take it for granted, the Senator asks that question sincerely, and therefore, I must infer that he has been very inattentive. For one, at least, I have on every occasion, stated that the reception of the case arose in the intermediate desert, which prevented the construction of roads and caused the want of a continuous population that made emigration easy. I have said from the beginning, so far as I have been connected with this question, and others have said it much more forcibly, that the state of the country, that the hand of nature had impressed upon it difficulties which could only be overcome

by Government aid. I have looked upon it as really evading the question, as shrinking from the responsibility imposed upon us, when gentlemen have said "why not build this road as roads are built elsewhere," presuming that their intelligence made them perfectly aware, that the means which had rendered it feasible to build them elsewhere did not here exist.

Some persons may have argued for this as a commercial road; some persons may have looked upon it as important because of its commercial relations; but is it fair to say that those who have contended for it as a means of military defense, are using this merely as a pretext, and seeking really to provide for commercial connections? Is it fair to assume that those who have endeavored to demonstrate its military necessity, are using this merely as a pretext, and seeking to establish such a road for the benefit of commerce, the benefit of travel, or for any other than the purpose avowed?

Neither, sir, is it fair to assume that any one here has argued that this road had but a single object, that it had but a single means of support, and that the Treasury was to be relied upon entirely for its construction. Quite otherwise; it has been announced by its friends that this road was not to be built out of the Treasury; it has been announced by the friends of this road that it was to derive means for its construction from other sources than the Treasury of the United States. Of course I did not expect what I said on the occasion to be noticed; but I did, in the progress of this debate, state that it was because it was to derive its support from travel and from commerce, as well as from the uses to which the Government would apply it, that I considered the Government ought to give but one portion of the sum that would build it. Neither is it simply for military purposes; the Government has other uses for it.

Then as to the isthmus routes and the ocean route around the Cape. In time of peace, these are available to us; but is there a Senator here whose intelligence will permit him to say that, if we were engaged in a war with a maritime Power, those routes would remain open to us before we constructed a navy to sweep the seas? Is it not known to every one that the smallest character of war vessel lying sheltered in some port, would bide her time, cut off your transports, cut off your mail vessels, and it would only be in such fleets of transports as were covered by armed vessels of the United States, sufficient to protect them, that there would be the least safety in sailing down the coast. Then, sir, in time of war, how are we to keep up our connection, how are we to have the mere correspondence which the Government requires? I

know of no method that exists in the present condition of the country. If art and science hereafter shall contribute to make that fertile which is now sterile, and population continuous from end to end shall exist upon the route, it may then be possible by the old and slower modes of travel to accomplish the object even without a railroad. In its present condition, I say it is not.

The Senator is one of a number of those who have seen fit not merely to be grappling with the subject in its physical difficulty, or its legal or its constitutional difficulty, but who seem disposed to press their opinion by arraigning the opinions of others as though they were Sir Oracle at whom no man should bark. We heard yesterday that States and Territories stood upon the same platform in this relation, if the States would but consent to allow roads to be run within their limits. Is this so? This is but a new phase of that doctrine of squatter sovereignty which, from the time I first took my seat in the Senate, I have been battling with and intend to oppose to the end of time. Is it true that the Federal Government can walk within the limits of a sovereign State and there take land and exercise jurisdiction as within a Territory? Is it true that the restrictions of the Constitution limiting them simply to the construction of forts, arsenals and dock-yards, and that by the consent of the State, mean that by the consent of a State they may do anything within its limits? If so, why enumerate the objects? Why narrow them down to special things, and those things such as were known to be most usually necessary? Can the United States own a tract of country across a State, and there build upon it a railroad? I hold that they have no power under the Constitution to acquire it, and the consent of the State can give them none. Can the Government of the United States create a corporation and send this artificial person to exist within the limits of a State? I, and those from whom I have drawn my political opinions, have too long held the reverse to make it necessary to argue it now. That question came up distinctly upon the old United States Bank; it has been decided by the people; it is needless for me to reargue it.

Then, sir, I say there is a broad distinction. The grants of the Constitution restrict the Government to special purposes. If they attempt to hold land within the limits of the States, even for those specific and most needful purposes enumerated in the Constitution, they are required first to get the consent of the States. I say, then, the consent of a State can give no power to the Federal Government which it could exercise for the construction of a railroad within the limits of a State. It might be very convenient as a means of military defense; it might be

necessary as a means of military defense; and still I say this Government has no power, even when you prove the necessity to exist, to invade the limits of a sovereign State, there to set up its artificial creature, and exercise a jurisdiction which the Constitution does not give. Over the Territories I hold the case to be widely different. The first Territory we held, the Northwest Territory, was derived from a State by the grant of a State. Then Georgia gave the wide domain of the southwest territory. The United States received those Territories from a sovereign power, holding entire jurisdiction and control over them. The United States took, by the grant, just so much as it was capable for the United States to receive, not all which the States possessed, because the Federal Government was not a reservoir into which sovereign powers could be poured. They took only so much as it was within the capacity of the Federal Government to hold; so much as is consistent with the grants and limitations of the Constitution. Within that limit, I say, they hold powers in a Territory which they could not possess within the limits of a State. Therefore my opinion is, that we may exercise the power to construct a railroad as we do other roads within the limits of a Territory, without thence deriving the power to do the same thing within the limits of a State.

Welcome to the discussions of the Senate those extremes of strict construction which have been exhibited on this bill. We heard it announced yesterday that you could not give a dollar for such a purpose; and yet, sir, there has not been a Congress from the foundation of the Government that has not appropriated money to build military roads in the Territories; there has not been a President who has not signed such bills. My colleague, who made the argument yesterday, and who I do not now see, must himself repeatedly have voted such appropriations to build military roads within the Territories of the United States. We are now doing it. As the day goes on, the work progresses under appropriations made at the last session. Standing behind this shelter of every Congress which has been held under the Constitution, of every President who has executed the laws of the land, even behind the votes of my colleague himself, I feel somewhat secure in asserting that there is a distinction between the power to construct roads within a State and within a Territory, and that there is a power recognized and fixed in the Federal Government to construct roads within the Territories of the United States. The exercise of this, of course, must be within discretion. It is possible for a corrupt Government to say, for a corrupt man to say, "I wish to build this road

for military purposes,'' when really he does not desire it for that end; but it is a low suspicion which assumes that this will be the means by which we shall get appropriations to effect that which it is not really the desire of those who seek them to attain.

In Mississippi, roads were constructed when we were a Territory, by the Federal Government. Nay, more than that, when we became a State, by contract with the United States, we reserved a certain percentage on the lands to be sold within the State, for the construction of roads. This was after we had become a sovereign; and we have been annually deriving that percentage from the sale of the public lands, for the construction of roads and other internal improvements within the limits of the State. In the war of 1812, General Jackson, to whom my honored friend from Rhode Island, though a political opponent, made such handsome reference, constructed several roads from Tennessee to the lower part of Louisiana. He even built a great work across a bayou, which had been once the main channel of navigation by the Spaniards, who early came to that Territory, and thus closed a channel which it has been from time to time the effort of certain interests to cause to be reopened. Roads were cut through the wilderness, roads were built in the populated country; they were built for the purposes of the Government, in the defense of one of its commercial cities.

We are told, however, by another Senator who spoke yesterday, the Senator from North Carolina, [Mr. REID,] that he cannot consent, upon a vague supposition of necessity, to allow the Government to appropriate its Treasury to the construction of a railroad. Nor would I; but that vague supposition which is described is exactly the supposition on which the Senator will vote this year, as he did last, to construct and maintain a Navy, to construct and maintain fortifications, arsenals, dock-yards, and other public works. We build ships-of-war, not because war was declared yesterday, not because war will be declared to morrow, but because it is a supposable case that they will be needful for the public defense. We construct fortifications, not because we have a particular war in view, but because they are needful whenever war may occur. It has been demonstrated, upon estimates which have not yet been questioned by any one competent to revise them, that the construction of the needful fortifications and store-houses, the maintenance of the garrisons, and munitions necessary for the defense of the Pacific coast, would cost many fold times the sum which would construct the proposed railroad across the continent.

Mr. REID. Will the Senator permit me to interrupt him?

Mr. DAVIS. Certainly.

Mr. REID. The Senator has just stated that there is a direct grant of power for those things in the Constitution. For the other, there is none. That is the difference.

Mr. DAVIS. There is no direct grant of power in the Constitution to build ships, no direct grant of power to build fortifications.

Mr. REID. There is a direct grant to construct forts. I allude to the clause with reference to jurisdiction over places purchased for that purpose.

Mr. DAVIS. There is a reference to it, not a direct grant of the power.

Mr. REID. If the power were not conferred, how could it be possible that the framers of the Constitution would assert its existence? Would they extend the jurisdiction of the Government over a thing which they did not confer on the Government the power to do?

Mr. DAVIS. The power is conferred, I answer my friend from North Carolina, but not conferred as he supposes in a specific grant; it is conferred in the power to maintain an Army and Navy; it is conferred in the obligation to provide for the common defense. There is no specific grant of power, I say, to build forts or to build ships. The specific grant to which the Senator refers, is the power to take, by the consent of a State, jurisdiction of the site on which a fort may be built.

Mr. REID. That power is shown to exist in the Constitution by the fact that its language gives the Federal Government a control over the subject. The express recognition of the power is as conclusive as an express grant.

Mr. DAVIS. My friend must see that the framers of the Constitution were not conferring, as one of the means of providing for the common defense, specifically the power to build a fort. The jealousy was not as to the fort; the jealousy was as to the exercise of Federal jurisdiction within the limits of a State; the jealousy was as to permitting the General Government to become a land-holder within a State.

Mr. REID. I understand the Senator to say that the Federal Government has not the right to construct a railroad in a State. I maintain that the Federal Government has not the right either to construct itself, or to employ another to construct, a railroad within the limits of the States of the Union; that is the position I maintain.

Mr. DAVIS. I am very glad, then, to have misunderstood the Senator, and to find that we agree. I was going on to say

that the means which necessarily belong to a grant of power, follow in its train. It was not necessary for the framers of the Constitution to say, when they gave to Congress authority to maintain an army, that they should also have authority to furnish them with boots and shoes, with coats and hats. These followed as consequences; common sense pointed to them as necessary incidents; therefore they are not enumerated.

But we were told yesterday, in the course of the debate, by one of those with whom it is generally my pride so fully to concur, that the framers of our Government never contemplated the building of railroads by the United States. I concede that, if there is any force in it; and, if it were asserted now that the framers of our Constitution never contemplated the plowing of the vast rivers of this continent by steamships, it would be another truth; but I do not see what relation it has to the subject. They did not anticipate steam as a motive power; they did not know that our rivers were thus to be navigated; they did not know that our plains were thus to be traversed; but it was part of their wisdom; it bears almost the stamp of inspiration, that they used such general language as is found in the Constitution itself, applicable to every necessity of the Government from that time to this, yet so specific that the friends of strict construction have always stood behind their language as an impenetrable barrier.

The argument has run on from day to day by those who have intended to kill this bill by a side-blow, and upon the supposition that the work was to cost a great deal more than the bill allows, and that it was to be built within the limits of a State. I have bided my time until this discussion ended, and I should be permitted to offer a substitute which sets forth upon its face exactly what it is intended to do, which avoids all conflict between the powers of the Federal Government and those of the State, leaving the link which is constructed by that substitute, if it be built, to be extended anywhere and everywhere within the limits of the States by charters given by the States themselves to companies erected by them, attempting no provision for even one mile of the road which should enter within the limits of a State. When the proposition was made to lay the bill upon the table, it seemed to me to be a method by which a substitute which I had offered when the bill was first introduced, and have patiently waited for an opportunity to explain, was to be smothered, and I was to be left in the attitude of advocating a bill thus killed, and which was in many respects the antagonist of that which I proposed to the Senate to adopt. I am glad, however, that some

view—I do not know what—had sufficient force to prevent this method of smothering the proposition before the Senate had an opportunity to examine it. I do not know, Mr. President, that I shall have an opportunity ever to get the vote of the Senate on the substitute which I propose. If I am to have an opportunity to have a vote on it, I would rather make some remarks on it then than now.

Mr. PUGH. I was about to say, when the Senator from Louisiana rose, that I was willing to waive my amendment until the Senator from Mississippi brought up his proposition. After the amendment of the Senator from Mississippi is voted on, I shall offer it again.

Mr. BENJAMIN. I wish to say a very few words in reply to the answer made to the observations I addressed to the Senate, by the honorable Senator from Mississippi. The Senator from Mississippi displays a sensibility which is honorable to him in relation to his constitutional views upon the bill now before the Senate. It is natural that that Senator should feel a sensitiveness upon the subject, because he cannot disguise from himself the fact that his views upon the particular proposition now before us differ entirely from those entertained by those with whom he has hitherto been in the habit of associating politically upon this point, and he therefore makes an animated defense of his views, and turns upon me something of an *argumentum ad hominem*. Now, Mr. President, I may be a new convert; but I am not a new convert on the subject now before the Senate. I never have maintained, and I think I never shall maintain, the power of the General Government to construct internal improvements in the States; and I do not consider that, maintaining as I do the power of the General Government, under that clause of the Constitution which authorizes it to regulate commerce, to see that the harbors and rivers and ports of the country are in a condition to accommodate the commerce of the country. I say, I do not see that maintaining that power to exist in the General Government, is at all incompatible with a denial of the power to build roads in the States.

Mr. DAVIS. If the Senator will allow me, I will say that his remarks, so far as they were directed to the position taken by me, and he made a direct reference to myself, drawing attention to me, could not have been with the understanding that I wanted to build a road within a State.

Mr. BENJAMIN. Undoubtedly not. I do the Senator full justice on that point. I had examined, and was aware of the provisions of his substitute; but it is impossible for us to discuss

a question of this kind, where a bill is maintained by gentlemen on principles so entirely opposite to each other, as those maintained by the Senator from Mississippi, and the other gentlemen who are defending this bill, it is impossible to make remarks in relation to the arguments used in defense of the bill which shall not do injustice to one Senator or another, according as the Senator may suppose the answer to be directed. I did not answer the proposition of the Senator from Mississippi, when I was speaking of the power to build a road in a State; but in connection with the argument used by the Senator from Rhode Island, and that used yesterday by the colleague of the Senator from Mississippi, I expressed a concurrence of opinion; and said that if this is a war power which we are exercising, if we are going to defend the country by a railroad against foreign invasion, the Congress of the United States has the same power to build the road for the purposes of common defense in the States as in the Territories. I believe so yet; and I have cast my eyes over the provisions of the Constitution for the purpose of meeting the argument of the Senator from Mississippi. So far as this power of acting in the different States is concerned, the Senator is mistaken when he says that there is no power in the Constitution of the United States to build ships. The language is express.

"The Congress shall have the power to provide and maintain a navy."

Surely that is a power to build ships.

Mr. DAVIS. The Senator, I think, could not have heard me. My voice is not always equal to the room. My reply to the Senator from North Carolina was, that there was no specific grant of power to build a ship; but that it was derived from the power to maintain a navy, as in the case of forts, from the power to maintain an army and provide for the common defense.

Mr. BENJAMIN. The language of the Constitution is, that "Congress shall have power to provide and maintain a navy." That is surely as express a power to build ships as language can give; or, at least, it is so in my judgment. Then again, the Senator refers to the grant of power as given in the Constitution, in relation to the erection of forts, magazines, &c., and he draws from the expressions of the Constitution in relation to that power, the inference that the General Government has not the right to go into the States for the purpose of acquiring lands for the common defense, without the consent of the States. I do not think that the clause is susceptible of that construction

fairly. That clause of the Constitution has reference to the exercise of exclusive jurisdiction. It says, "that the Congress shall have power to exercise exclusive jurisdiction over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals," &c. This is the grant of the power of exclusive legislation; and it is under this power that we daily pass laws covering our forts, fortifications, and other similar constructions; but surely, under the general powers of providing for the common defense of the nation, of arming and using the militia, of providing and maintaining a navy, of raising and supporting an army, the Congress of the United States has the power, if it be necessary for the defense of the country, to build a railroad. I imagine it would hardly be contended that if an enemy were upon our shores, in any location, and that enemy could not be reached, except by cutting through a dense forest in a State, the Congress of the United States had not the power to cut the road through the forest, in order to reach the enemy, without the consent of the State. That is a necessary incident of the war power; and it was from that that I deduced this conclusion, if you were building this road for the defense of the country, you have the same power to build it in a State as in a Territory; but if your road is a great commercial road, and if its uses for the defense of the country are purely subordinate, then it is an abuse of the power which the Constitution has conferred upon Congress.

Now, sir, I did not pretend to say, and the Senator from Mississippi did not do justice to my argument when he answered me as if I had said, that this railroad would not be a very useful adjunct in time of war; that it might not be very necessary in time of war; but I said that its warlike purposes were entirely subordinate to commercial and traveling purposes. Let me give another example, if the Senator will permit me. No man will doubt that the Congress of the United States has the power to transport munitions, provisions of all kinds, for the uses of the Navy, for the uses of the fortifications, for the uses of the Pacific shore. No man will doubt that transports may be employed for that purpose. Now, what would be said of a proposition by which, for the purpose of securing necessary transportation in time of war, Congress should propose to advance a certain amount to ship-builders to construct a thousand vessels which would be necessary for transportation in case we had a war, and should give a certain annual stipend to the owners of those vessels for the purpose of keeping them in repair, with a view to be able to use those transports in the event of a war? That

would undoubtedly be very useful; it might be very necessary in the event of a war twenty years hence, to have at our control a thousand or two thousand transports of this kind; but would any gentleman contend that, under the war power, we could advance money for the building of those ships, and for the keeping of them in repair, and leave them in the hands of the owners to be used for commercial purposes in the interval?

My proposition is that, although a thing may be useful in time of war, you cannot, under that grant of power in the Constitution which authorizes you to defend the country, provide that which may be necessary in time of war, when its use in time of war is entirely subordinate to commercial purposes in time of peace; when it is not intended for the use of the Government at all, except in the event of a war. I think that the building of a fleet of transports would come as clearly within the war power of Congress as the building of this road; and the building of a fleet of transports that should belong to private individuals, and should be engaged in commerce until war should come, would be as clearly within the war power as the building of this road.

The Senator from Mississippi says we have all voted for grants of land to build railroads in the States. Undoubtedly, we have; and he says further that the Congress of the United States granted land to his State when it was admitted into the Union, for the purpose of building railroads in the State. That, also, is true; but upon considerations entirely independent of those offered by the defenders of this bill. When we granted lands for the purpose of building railroads in the States, we granted those lands upon this hypothesis, and this alone—at least such was the basis upon which my vote was placed: that the Government was the proprietor of large bodies of land in the States; that it was its duty to dispose of those lands for the best interests of the country; that it could not sell the lands unless means of communication to them were provided; and that it was doing no more than a private individual would do who was the owner of those lands, if it agreed with anybody who would build a road to them, to give half the land for the advantage done to the other half in its increased value, we thereby disposing of the lands as a prudent private owner would do. On that basis I voted for a grant of alternate sections, and with a provision in the bills that the reserved sections should be sold at double the minimum price, in order that the Government should be able to dispose of the lands without loss.

Again: when the Senator's State was organized, when the territorial administration gave way to a State organization, there

was a large body of the lands of the United States within the limits of the State of Mississippi. Those lands belonging to the Government were, by some, supposed to be exempt from taxation by the State. Many men thought those lands were liable to State taxation. Under these circumstances, as a compromise of the question, the Congress of the United States, in organizing State governments out of the land which had been acquired by treaty from foreign nations, has been in the habit of giving a certain portion of the public lands within the State for purposes of internal improvement and the establishment of public schools, as a compensation for the abandonment by the State of the right to tax the remaining public lands. That compromise has been almost universally sanctioned by both Houses of Congress; but we have never yet undertaken, that I know of, since the destruction of this whole system, at the time of the veto of the Maysville road bill, to build roads in the States for the mere purpose of exercising the war power. We never yet have undertaken, in advance, in the States, to provide the means of communication by which troops could reach an exposed point in case of war. We have only provided roads in the Territories of the United States to enable us to move our troops, to defend our people in the Territories where no roads exist, and where the troops could not move without them. In organizing and establishing those roads, we had in view to facilitate the intercourse between different parts of our Territories; and in my judgment it was wise and statesmanlike to do so; but surely the proposition is now, for the first time, maintained, that, under the war power of the General Government, you may, without a threatened war, long before you can anticipate the existence of hostilities, enter into a State to build a road, as being necessary for the defense of the State. I say that if this power is once conceded, the entering-wedge has been granted which will be made use of by the advocates of corruption and profligate public expenditure, and we shall see no end to the propositions before Congress to build railroads in the States for the defense of the States.

Mr. DAVIS. Mr. President, the Senator from Louisiana makes an argument upon a supposed case, and his argument rests upon the theory of an abuse of the power to provide a Navy. Does the Senator not remember, for he certainly does know, that the laws exist, and he is surely to some extent responsible for them, which do indirectly the very thing which he has portrayed here as the height of offending to which it was possible for Congress to go? What are the navigation laws but the maintenance of that very fleet of transports, engaged in time of

peace in the business of commerce, to be used in time of war? What is the policy on which those laws were founded, and how are they maintained to-day if it be not to provide for the wants of the country, and especially for its routes in time of war? They have been called a nursery of seamen; a means proper and essential to the maintaining of a Navy; that we should, by navigation laws, encourage the construction and sailing of vessels upon our own coast, giving them that benefit which would exclude all foreign vessels from the same line of trade. This may be what the Senator considers, as in the case of the railroad grants for which he voted, exactly what a prudent proprietor would do; but prudent proprietors seldom have made such grants as Congress has; and I think prudence, if it be annexed to the character of a proprietor taking a retrospective view, will show the Senator that he has voted for many for which he must find some other foundation to justify him than the one he has assumed.

As to the compromise in relation to taxing public lands within the limits of a State, it goes somewhat back of the theory of the Senator, and connects itself with the old system of sale upon credit as well as upon the asserted right of the States to tax. It is interwoven with practice as well as theory—a practice much older than that to which he refers. The reference which was made to it by me was to show the distinction; that we had gone on to make roads during the territorial condition; made roads in peace and in war; made roads for purposes of defense, and for purposes of communication; and when we lost the power, by its passing from a territorial to a State condition, we then followed it by a certain percentage which was to be devoted to the making of roads thereafter. * * * *

Mr. DAVIS. I did not hear the Senator; I will come nearer to him.

Mr. SIMMONS. I am sorry to repeat; but I will do so with great pleasure, because, in almost everything he said, I most heartily concur. I would never invade a State to construct any such work as this, if I did not think it indispensably necessary and proper for the defense of the country, or for the conduct of the public business of the country, the transportation of the mails, and affording those facilities which the people have a right to require to guard against probable danger. The Senator from Mississippi, in allusion to the States, said that asking their consent to construct such works was a recognition of popular sovereignty, which he had been contending against and intended

to contend against. I said I did not perceive exactly how that was involved in this question.

Mr. DAVIS. It will give me great pleasure to explain what I meant. It was the doctrine of putting States and Territories on an equality to which I referred. I did not call it popular sovereignty, but called it, as I always do, "squatter sovereignty."

Mr. SIMMONS. I did not know but that they were the same thing. I have not much disposition to defend that doctrine, call it by what name you please; but it has an abiding place in the history of the country, in the words I used, and I did not know but that they were synonymous with the term the Senator employed. But the Senator went on to say that the Government of the United States had no authority to create a corporation to carry on a work within the just powers of the Government; that is, which the Government itself was authorized to construct.

Mr. DAVIS. Within the limits of a State?

Mr. SIMMONS. I mean that. He said Congress cannot create a corporation which shall operate within the limits of a State.

Mr. DAVIS. Exactly; that is my opinion.

Mr. SIMMONS. Now I ask the attention of the Senator to a matter of history. Such corporations have been created by this Government; and they have uniformly been sustained by the decisions of the Supreme Court of the United States. He said that the question had been submitted to the people, and their decision had been overruled by the people. Does he mean to say that, in a mere party election, the decision of a people, or a vote, whether this man or that man shall be President, can overrule the decision of the Supreme Court of the United States on the constitutionality of any question?

Mr. DAVIS. Certainly not. The decision of the Supreme Court gave validity to the charter of the national bank until it expired by its own limitation. The decision of the people then rose in its majesty, and the Supreme Court never had a chance to hear the case again.

Mr. SIMMONS. There may be a little difference in our views about what the history of the country was. At the first election after the expiration of that charter, the Whigs triumphed by an overwhelming majority, and they triumphed on this very issue being presented to the people. Does the Senator recollect the triumph of 1840—the first presidential election after the bank charter expired? Was it not overwhelmingly in favor of a na-

tional bank? and was not that the leading issue before the country?

Mr. DAVIS. I would ask the Senator if the great contest did not occur in 1832?

Remarks on the Pacific railroad bill. Jan. 20, 1859.

Mr. DAVIS. I now ask the Senate to consider the proposition which was some time since submitted by me. It is to strike out all after the enacting clause of the bill, and insert a substitute.

The substitute is as follows:

That the President of the United States be, and is hereby, authorized and directed to advertise for proposals to establish railway communication across the territory of the United States, and thus to connect the States of the Atlantic and the Pacific, and to contract for the transportation, upon said railroad, of the United States mails, troops, seamen, munitions of war, supplies for the Army and Navy, and all other Government service.

SEC. 2. *And be it further enacted,* That the party contracting to establish said railway communication shall be required to construct the railroad in a substantial and workmanlike manner, equal in all respects to railroads of the first class, with all the necessary drains, culverts, bridges, viaducts, crossings, turnouts, stations, and watering places, and all other appurtenances, including equipment and rolling stock. And the said railroad, with all its appurtenances and equipment, shall be finished and put into complete operation within the period of ten years from the execution of the contract.

SEC. 3. *And be it further enacted,* That, to aid in the construction of said road, there shall be, and is hereby, appropriated and set apart the alternate sections of public land, for the space of six miles on each side of said road, to be held and conveyed as herein provided. The alternate sections hereby appropriated shall be those designated in the public surveys by odd numbers; and the contracting party receiving lands under the provisions of this act shall be required to sell, and unconditionally convey, one half of the same within five years from and after the issuing of the patents for the same, and the remaining half within ten years from the issuing of the patents; and all said lands not so alienated shall revert to and become the property of the United States.

SEC. 4. *And be it further enacted,* That the party with whom the contract aforesaid may be made shall proceed without delay to locate the general route of said road, and furnish a detailed survey and map thereof to the President, who shall

cause the public lands, to the extent of forty miles on each side of the said road, to be surveyed, and the Indian title thereto to be extinguished as soon as practicable; and the provisions of the act of September, 1841, granting preëmption rights, and the acts amendatory thereof, shall be, and the same are hereby, extended to the lands thus surveyed excepting those herein set apart and appropriated for the use of the said road.

SEC. 5. *And be it further enacted,* That in making said contract, it shall be stipulated that the said road be divided into sections of twenty-five miles each, and that none of said lands are to be conveyed to the contracting party until one section is completed and put into successful operation, when the President shall convey by patent to the contracting party three fourths of the land pertaining to the section so completed, retaining the other fourth as security for the completion of the next section of twenty-five miles; and when the next is completed, the President shall, in like manner, convey to the contracting party three fourths of the land pertaining to that section, together with the reserved one fourth on the previous section; and so on with each succeeding section, conveying three fourths and retaining one fourth as security for the completion of the next until the last section of the road is finished and put into operation, when the President shall convey to the contracting party the residue of the lands hereby appropriated.

SEC. 6. *And be it further enacted,* That the land of the United States, for two hundred feet in width, along the entire line of said road, is hereby set apart and dedicated for railroad and such other purposes, not incompatible with this grant, as Congress may authorize and direct; and the party contracting for said road may take any earth, stone, timber, or other necessary materials, for construction and keeping in repair of the road, within the said two hundred feet, subject to such regulations as Congress may provide.

SEC. 7. *And be it further enacted,* That the contracting party for, or owners of, said road may at any time construct one or more additional tracks, within the two hundred feet set apart for the right of way; and it shall be the duty of said contracting party, or owners of said road, to permit any other railroad, which shall be authorized to be built by the Legislature of any Territory or State, in which the same may be situated, to form connections with it on fair and equal terms.

SEC. 8. *And be it further enacted,* That the President be, and he is hereby, authorized to enter into contracts for the transportation, under the direction of the proper Departments, on the said road, when completed, and for any available part thereof, while said road is in course of construction, for the period of twenty years, of the United States mails, and all military and naval supplies, troops, seamen, passengers, and freights

of all kinds, for Government purposes, with the limitation that the price to be paid shall not exceed that which the Government would necessarily pay by any existing means of transportation, nor in time of war be higher than the rates stipulated for in time of peace.

SEC. 9. *And be it further enacted,* That in any case where the passengers and freight shall be greater than the transporting capacity of the road, the Government shall have priority of right for all purposes of transportation.

SEC. 10. *And be it further enacted,* That, for and in consideration of the advantages thus to be secured to the United States in the use of said road, and further to aid in the construction of said road, $10,000,000 are hereby appropriated, to be advanced upon the following conditions and provisions, to wit: As a guarantee of the faithful performance of the contract hereinbefore described, the contracting party shall deposit with the Secretary of the Treasury the sum of $500,000, in bonds or certificates of stock of the United States, which may be subsequently withdrawn, in sums of $10,000, as the work progresses, on production of vouchers showing, to the satisfaction of the Secretary of the Treasury, that an amount equal thereto has been expended in the construction of said road. When one twentieth part of the line of said road, located as hereinbefore described, is completed and put in successful operation, the President shall cause to be advanced to the contracting party one twentieth part, less ten per centum, of the whole sum of money herein appropriated. And, in like manner, when each succeeding section of equal extent is completed and put in successful operation, an equal amount shall be advanced to the contracting party, until the whole road is completed, when the ten per centum reserved shall be advanced to the contracting party, as hereinbefore provided.

SEC. 11. *And be it further enacted,* That until the sum of money thus advanced to aid in the construction of the road shall have been repaid to the United States, no dividends shall be declared to the stockholders of said road, nor other sum be retained by the contracting party than that which may be necessary for the maintenance and successful operation of the road.

SEC. 12. *And be it further enacted,* That until the said contracting party or owners shall have fully reimbursed the United States for the advance of money herein authorized to be made, they shall keep books in which shall be entered regular statements of all disbursements, expenditures, and receipts, setting forth specifically the objects of said expenditures, and the sources whence said receipts are derived, together with a particular account of all accidents that may occur affecting property or persons, or causing delays upon the road; which books

shall be open at all times to the inspection of the President of the United States, or any person authorized by him to examine the same, and to the members of each House of Congress; and the contracting party or owners shall make a report thereof annually to the President of the United States, on the 1st day of October in each year, accompanied by a minute and detailed exhibit of the expenditures and profits of said road for the year preceding, to be attested by the oaths of their secretary and treasurer; which report shall be transmitted to Congress at the commencement of each session.

SEC. 13. *And be it further enacted,* That should said contracting party neglect, refuse, or in any way fail, to prosecute the work undertaken by them in a manner to secure the completion thereof in compliance with the contract, then all rights of said contracting party to the said road, right of way, lands, or other property pertaining thereto, including such amount of the sums of money advanced, if any, that may remain unexpended, shall be and become forfeited, and the United States may enter upon and retain the same. In the event of such forfeiture, to be determined by the President of the United States, he shall proceed to relet that portion of the road remaining uncompleted under such forfeited contract, and provide for the disposition of the work in such a manner as will secure the earliest completion of the road in conformity with the provisions of this act: *Provided,* That he shall not stipulate, on the part of the United States, for any higher or other terms than are authorized and provided for in this act.

SEC. 14. *And be it further enacted,* That the proposals for establishing the railroad communication, and performing the service hereinbefore described, shall be opened by the President of the United States after due notice, in the presence of the Cabinet and such persons as may choose to attend; and he is hereby authorized and directed to enter into contracts for establishing the railroad communication, and for the transportation provided for in this act with the party whose proposal shall be by him deemed most advantageous to the United States, for the full and complete performance of said contracts, in compliance with the provisions of this act. All questions of damages and forfeitures by reason of any breach of said contracts shall be determined by the express terms and conditions of the same: *Provided,* That this act shall be taken and considered as part of any contract that may be made in accordance with its provisions, in like manner as if the same was set forth in said contract.

Mr. SEWARD. Will the honorable Senator from Mississippi be good enough to state the general effect of his amendment?

Mr. DAVIS. The general effect of the amendment will be to

appropriate $10,000,000 and ten sections per mile of land, to construct a railroad across the territory lying between the States of the Atlantic and the Pacific, leaving parties who propose to construct the road to name whatever location they please, and submit their proposals to the President. The other conditions, as to transportation, are like those of the bill. In relation to the receipts of the road, however, there is this difference: that, instead of requiring the proceeds of the road to be paid into the Treasury to remunerate the Government for its advances, this requires only the net proceeds to be paid in, so as to prevent the hazard of the failure of the company for the want of means to carry on the road; and, above all things, to secure the Government from having the road forfeited and thrown upon its hands. The $10,000,000 in this case, as the unnamed sum in the bill as amended, is to be refunded to the Government in the form of net proceeds to be paid into the Treasury, and in the form of advantages secured for the transportation of the Government.

These are the main differences between the two propositions; the substitute enters not the limits of a State. It does not assume to give authority to any company, or to create any company, for the construction of a road within the limits of a State. It has no termini indicated; leaving it to free inquiry as to where a road, with a given sum of money, can be built, that given sum having been determined by the belief I entertain that it would build a road at one point across the territory; and I leave others to determine whether it will build it elsewhere.

Having satisfied myself that there was one line on which a road could be built with this grant, then I say it is not proper that the United States should give one dollar more. We are here as agents; agents of the people to whom this money belongs. Is there a Senator who would add to the amount for which he could have a service performed, in order that he might induce some one to perform a work elsewhere than a particular place which was found to be most practicable and economical? It is to be remembered that we have no right to be liberal; we have no right to appropriate money for the benefit either of individuals or of sections. We are restricted to the appropriation of money to answer the ends of the Government; and if a given sum will attain the service which the Government requires, we are in honesty bound not to appropriate more. I am quite aware that when this proposition was first submitted, my friend from Vermont, [Mr. Foot,] with whom I had served on the committee, and to whom I always listen with the greatest respect, proposed to offer another proposition in the form of an amendment, that,

if this southern road was built, there should also be a northern road on similar conditions. As I have said nothing about a southern road, one of two conclusions was inevitable—either that he supposed I must think of the southern road, or that he knew, if a given amount of money only was appropriated, and contractors were left to go where they pleased, they must locate it on the southern route.

Mr. FOOT. The honorable Senator will allow me to state here, that at the time I made the remark to which the Senator alludes, I was under a misapprehension as to the character of the Senator's bill. I supposed it did locate the road, or the termini at all events, so that inevitably it would construct a southern road and exclude all other lines.

Mr. DAVIS. I can very well understand that the Senator might have fallen into that error, because it had been imposed upon me as an official duty some years since to announce, as the conclusion I derived from certain explorations, which route was the most practical and economical. In accordance with the directions of Congress, and in the performance of that official duty, I gave my opinion to Congress, and that opinion was in favor of the route which the Senator supposed I had indicated in the substitute.

The first question, it strikes me, which meets us in the consideration of this question, is the necessity for a railroad across the continent. If there be no necessity for the railroad for Government purposes; if it be merely to facilitate migration across the continent, to encourage settlement along the line of the road, without contributing in any degree to the ends for which the Government was instituted, without enabling it to perform the duty which was imposed upon it; without, I say, being necessary to the full execution of its duty, then I hold there is no constitutional power to build it. Therefore, in the front ground with me, the question is, is the road necessary? I hold it to be necessary in time of peace; necessary for that intercourse which alone can hold the different parts of our wide-expanded Republic together. Separated as we are by an intermediate desert, fronting as we do upon different oceans, looking out to the teeming population of Asia on one side and the active people of Europe upon the other, it must ensue, whenever our Pacific possessions are peopled, that they will have different interests; they will have an opposite commerce; and if they are required to come to a foreign country, to look over an impassable mountain, to learn here by what laws they shall be governed; and if our commerce is to continue as separate, as opposite, as it will be unless these

two parts are more nearly linked together, the finger of destiny points inevitably to a separation of the two parts of the United states, fronting on these two great oceans.

In the history of man, and history is said to be philosophy teaching by example, we find no instance where a country has maintained the integrity of its territory if that territory was riven by a chain of mountains. We find the warlike and semi-barbarous hordes of Asia running over the south of Europe; at one time a single military hero covering all the vast plains which lay beneath him; but soon we find those conquering regions separating from the people from whom they emanated, and in but a short time thereafter the States they had conquered again divided into the geographical limits they had before the invasion. And so, at a more modern period, Napoleon carried his conquering armies over the Alps and over the Pyrenees; but those barriers which the hand of nature had placed again demanded the separation of the country into its original parts; and soon after the conquest we find France again reduced to the base line between those mountain ridges, and there to-day she stands as before her imperial conquests.

Then looking north, along the Rhine, where the division was merely conventional, where there was no great barrier that of itself separated men, you find that the soil has been drenched, and may be said to have been fertilized, with the blood of contending armies.

Thus inevitably do we reach the conclusion that mountains divide a people, and rivers unite them. But we are not divided merely by a mountain ridge, along each base of which, and up the slopes of which, a teeming population may hereafter live; but we are divided by a system of mountains; and in addition to this system of mountains we have intermediate desert plains, where, save here and there some irrigable spot, agricultural man can never reside. Then the question presents itself, shall we share the fate which history points to all nations which preceded us? Shall we allow our territory to be divided? Shall the United States commence her downward step by losing the rich possessions she now holds on the Pacific as the inevitable consequence of that separation which mountains and deserts demand? Or shall we use the power which science and art and the progress of civilization have conferred upon man, overcome the physical obstacle, bind these two parts together, and hold this country one and indivisible forever? These are questions which I think it belongs to the statesman to consider. Though it may be easy in cant phrase to speak of the impropriety of

using the power of the Government to make a railroad, and of leaving it to be done as such roads have been made from here to Baltimore, and from here to Fredericksburg; is there a man of sound judgment and patient inquiry who does not know that he speaks of that which is an impossibility; and that, wait as long as we may, he will see the day when separation will occur long before he sees the population which can build that road from its own resources?

But, Mr. President, a point has been specially directed against myself in the course of this debate; and I may say here that it has been my misfortune, of those with whom I generally act, and those who represent the same population with myself, to stand alone. I believe I stand upon the undying rock of truth. I believe I stand upon the interests of the country. I believe I am propelled by a high duty devolved upon me; and though assailed by my friends on the one side, and by my old political opponents on the other, I trust I shall stand unmoved. What, sir, is the argument so constantly directed against the military necessity of this road? It is that the period is rapidly arriving when the population on the shores of the Pacific can defend itself; that the ocean and isthmus routes afford now the means of transporting by sea what we propose to transport by land. Unless they shall develop an agricultural capacity not yet believed to exist there, unless the people there shall be drawn into a different pursuit, and, instead of being tributary to the wealth of the Atlantic slope and the Missisippi valley by consuming the products of agriculture, shall become an agricultural people themselves, the day can never arrive when they will maintain from their own agricultural resources the population which will be necessary to defend that coast.

Take the most remote period to which the eye of prophecy may think proper to look, and still you find staring you in the face the necessity that you must draw your resources from the valley of the Mississippi. In any contingency of war it is hardly needful to argue that it would be impossible to draw those resources from that valley by sea. I say it is impossible in any condition of the country that I can foresee. I grant that it is in the power of the American people to construct a navy to sweep the ocean down to the cape, and up the ocean beyond the possessions of the United States; but this would cost millions, where thousands would suffice with a more economical mode of transportation. Are we ready, through the long years of peace, to maintain a navy of such a size as this? Are we ready to invest the whole Treasury of the Government in vessels as perish-

able as those which it is proper for us to construct? Or shall we employ but a small part of that money in achieving for ourselves the whole end which this vast navy would attain?

Again, sir, upon those routes proposed to be traversed by sea and by short land connections, we pass into tropical climates; on most of them we cross the equator twice. Within the limits of the United States, so far as I am at present informed, we have thus far found but one kind of flour which could thus be transported and delivered in good order. It is not so bad with other supplies; but something of the same kind appertains to all the supplies required for the Army and Navy on the Pacific coast. It is needless, therefore, to speak of the accumulation of vast stores, which are to serve us in future contingencies; but if that could be done, it would be easy to prove that the cost of accumulating and maintaining these stores would exceed the cost of constructing the means of transportation which is required.

Besides, under any condition which we can anticipate, those routes could not be kept open in time of war. At the commencement of a war, we should be separated; our Pacific coast, with its sparse population, with its inferior agricultural resources, would be thrown upon its capacities for defense, and be lost to the United States. When Rome commenced losing her territory, decline was set upon her brow and rapidly followed until she sank into that fall from which the Roman empire never rose. Whenever the United States begin to lose their territory, whenever an invading army can land upon any portion of our coast and capture the territory of the United States and hold it, the prestige, the pride, the power, and the progress of the United States are at an end. Thenceforward the hand of ages and decay will be laid upon us, and we shall sink, the unworthy representatives of the glorious institutions we inherit.

But, sir, there are other relations. War is not conducted merely by assembling men, and furnishing munitions and provisions. That which is termed the sinews of war, the ability of the country to raise the means of supply, lies behind all the military power of a Government. Now, I submit to any one, whether, if the shipments of gold from California and the Pacific coast were arrested for sixty days, there would be a banking institution in the United States which would not be necessarily closed? whether credit would not be paralyzed? whether the capacity of the Government to raise the means by which it could maintain its Army would not fall with the prostration of private credit and private prosperity? If continued communi-

cation, by which we constantly derive the precious metals from that region of the great deposit, is essential to retain, for sixty days, the prosperous condition of our country, how are we to look to all the heavy burdens and the pressure of war, in the face of the loss of that which, even in time of peace, would paralyze the country?

To all this it may be answered, as it has been stated before —and I am replying rather to what has been said—that if this be true in some degree, still, the vast expenditure entailed is a reason why we should not attempt this work; and in order to heighten the argument, gentlemen always announce that it is to cost two or three hundred million dollars. The original bill, I think, proposes $35,000,000. The substitute which I offered proposes $10,000,000. Then the gentlemen must derive those two or three hundred millions of expenditure from the same source on which they have so largely drawn for her topography—their imagination—and the opinions that follow in the train of their own desire. Ten million dollars is the sum proposed in the substitute; $35,000,000 is the sum proposed in the bill; and an untold amount is now fastened upon the bill in the form of an amendment. I was answered the other day that the amendments but endeavored to effect what the bill had not so very well specified.

Here it is to be remarked that the original bill reported by the committee was to construct a road across the continent. The amendments are to construct three roads—a link of five hundred miles at each end, and an intermediate link. There can be no obligation in law or morals on a man who takes the contract for the eastern or western link, to build the middle. This is quite different from the original bill. The original bill was for a contract extending across the continent; and if it did not provide the means which insured the completion of that contract, it should have been amended so as to effect that object, instead of departing in the other directions and contriving, by the amendments, to put it in such a position as to enable contractors to take the two routes where it would be profitable to build roads, and then to abandon the work. Taking the bill as it now stands amended, I hold that any contractor, looking to his own interest, may agree to take the road from the eastern terminus, five hundred miles, in the direction which he pleases, either with the land or the money which the amendments propose to give him. He would run it through a settled and fertile country. If he went north, he could extend it beyond the five hundred miles; and after he passed the limit of the five hundred miles,

still penetrating the fertile regions of Minnesota, he would get $25,000 a mile instead of $10,000, which he would get at the start, and still be in a region where the land grant alone ought to build the road. When he passed that region, when he crossed the ninety-ninth meridian of longitude, he could have no possible inducement to go one step further. If, on the other hand, the contractor should look to the south, it would be possible for him to go five hundred miles, building his road with very great profit; getting $10,000 a mile, which would more than buy the iron, and getting ten sections of land per mile—which sections of land, I suppose, may be taken at ten dollars an acre—most of it in that region of country; and when he reached the end of the five hundred miles, he would then run on with $25,000 a mile, intersect the Texas road across the plains of Texas, unite the $25,000 to the Texas land grant and $6,000 a mile, and thus go on with $31,000 and sixteen sections of land per mile, until he got to the Rio Grande. When he reached the Rio Grande, he would then have twenty sections of land and $25,000 a mile to cross the country from there to the Colorado, and from thence to enter the State of California, and build it to San Francisco.

Now, when gentlemen say this bill will not build the road, I differ from them. I do not believe it will build the road if contractors start north with it; but I have not the least doubt it will build the road if the contractors run south; but it will build it at a charge on the Treasury which I feel we have no power in justice or in reason to impose upon it. I never can vote for the bill as it stands. I do not doubt that any contractor who looked to the bill with the intent to cross the continent, would run south from the initial point here described, until he intersected the Texas road, combine with the Texas company, then go to the Rio Grande, and conduct it to the Gila, and thence up to San Francisco, along the coast. If I were very anxious to get a road for the South; if I believed it was within my province, in the honest discharge of my duty, to vote more money from the Treasury than was necessary to execute the proposed work, I should find in this bill such an assurance as I could scarcely doubt would effect that object.

But mingling always with the idea I have of the necessity of the work, the idea of limiting what is to be done under that necessity, to just so much as will perform that work, I have offered this substitute, believing it will execute all which I desire to see achieved; that is to say, made at one point. I believe it will give us railroad connection to the Gulf of California, and in time to the Bay of San Francisco. I will speak of that, how-

ever, hereafter. So much for the argument of vast expenditures.

Now let us see how the $10,000,000, the sum limited, is to be advanced. Only upon the execution of a certain part of the work; then it is to be advanced *pro rata*, retaining ten per cent as security for the further prosecution of the work; and this on the line to which I have particularly directed my examination, has the effect that every mile which is built increases the necessity for building the remainder; makes it the interest of the contractor not to stop but to go on, not merely by the reserved fund but by the character of the country through which he is to pass. He begins at the western end to connect as soon as he can with the Rio Grande, and he begins at the eastern end as soon as he can to get to the navigable waters of the Pacific ocean.

I find myself unable to enter into the full examination which I proposed; I must necessarily abridge it; but I ask Senators to consider for a moment the comparative advantages and cost of the work on the basis which I propose. In time of national peace to put down a rebellion that extended merely to the attacks of foraging parties upon our trains, it has cost us about as much to transport the food of the little army sent over to reduce the Mormons to order, as I propose to contribute to the building of this road. If this road had been built, it would not have been necessary to have made that expedition across the country, if indeed it could have been possible that the Mormons would have taken the attitude of rebellion at all. South of where the Mormons reside, and the line of this road, there are Indians, who for their warlike character, and their numbers, are probably more than equal to all the Mormon population; and it is perhaps not unreasonable to anticipate another campaign, where the roads would be more difficult to pass, and another campaign where the cost of transportation would exceed that of putting down the Mormon rebellion. In time of war, it is provided in this substitute, that the cost of transportation on this road shall not exceed that which is paid on existing routes in time of peace. Thus we get the advantage of a uniform standard, paying no more in peace than we do now if we transport on this road; paying no more in war than we now pay in peace.

These are the main advantages which I offer as balancing the amount which it is proposed to advance. In this state of the case, however, I am met by the question, have we the constitutional power? If we have not the constitutional power, then I

have argued for a necessity military and politically, argued for advantages in peace and in war wholly to no purpose. If the Constitution does not confer the power, there is an end of the question. It is necessary, therefore, to meet that point before entering into any discussion as to routes.

The substitute which I propose is confined to the Territories. I know it has been argued here that there is no difference between a State and a Territory. I hold to the other doctrine. I hold that a State is sovereign within its limits; that the power of the General Government to enter with an artificial person—a railroad corporation for instance—the limits of a State, does not exist as a constitutional right, and cannot be derived from the consent of the State. When I said the other day that the Federal Government had no power to create a corporation, my worthy and intelligent friend from Rhode Island [Mr. SIMMONS] recalled me, in the course of his remarks, to the fact that General Jackson had once said he could have given the form of a bill for a bank which would have been free from the constitutional objections to that to which he applied his veto. Thence he argued that General Jackson had admitted the power of the Federal Government to create a corporation which could enter a State. I know there has been much speculation as to what General Jackson meant. I rather think nobody knows exactly what he did mean; but it is not necessary consequence of that position of his that he meant a corporation with power to enter the limits of a State. There are other means by which a bank of exchange might be established. The Federal Government might establish a corporation in the District of Columbia, with authority to connect itself with corporations existing in the States, and a bank of exchange might thus be established all over the United States. I do not know what his plan was; I only notice it here to say, that the conclusion derived is not one justified by the premises. His plan was not given, and he merely said that it might be free from the constitutional objections of the plan to which he attached his veto.

Within the Territories, I hold our relations to be different. The United States have derived territory either by cession from the States, or by acquisition as a Government, and they have, as a consequence of the grants of the Constitution, the authority to do in that territory whatever is within the power of the Federal Government. They cannot do all which a State could have done over the territory before the State ceded it, because the State was a sovereign; the Federal Government has only those powers which have been delegated to it. All of those

powers it may exercise upon a territory when it derives it either by cession from a State or by acquirement from any other sovereign Power, receiving by the deed of cession, by the sale, or by the annexation, whatever power it was competent for the Federal Government to receive and execute. All else remains in other depositories, and those depositories not rendering it possible to exercise it until the people inhabiting the territory shall become a State. Then they will be invested with all the sovereign power which the States in the mass received, but could not use at the date of the cession, annexation, conquest, or purchase. Within the Territory, we find that from the foundation of the Government, the United States Government have always exercised the power to construct roads, to establish a corporation, being the corporation of a territorial government itself, to support it, paying its Governor and its Council, or when it rose to the higher grade, paying its Legislature, thus exercising all the power within the Territory which belong to those who hold it in trust under a specific authority.

If the view which has been taken of this subject from the foundation of the Government be correct, (and it is hardly needful for me at this day to vindicate it,) there is power in the Federal Government to appropriate money for the construction of a road within a Territory; not an absolute, unlimited power, because every power which the Government holds is for some object enumerated in the Constitution. The power to appropriate for the construction of the military roads within a Territory has been so long admitted, so uniformly acted upon—acted upon at the last session, and no doubt may be acted upon this—that it is hardly needful for me to argue it now.

But it is said you cannot construct a railroad, though you can construct any other character of military road. If gentlemen had said this Government could not administer a railroad, they would have been putting themselves somewhat upon the ground taken by Mr. Monroe, when he vetoed the Cumberland road bill upon the ground that we could not erect toll-gates within a State. If they had said we could not establish a corporation and go on to administer a railway, I should grant there was force in the objection, and should have admitted that I entertained the same difficulty, that I reached the same conclusion; but the construction of a road, whether it be of dirt, stone, or of iron, must belong to the same general power of the Government, and if it exists for one, it must exist for the other and for all.

Having asserted, as I believe, the power, it only remains for

me to say that I was very happy to discover in the course of my examination that it was not required that the General Government should build this road out of the public Treasury; that it need only contribute, and contribute in proportion to the interest it had in comparison with others in the construction of the road; and it is this commercial connection, this connection with the interests of the country, which has subjected the proposition to the criticism that the road was to be built for commercial and not military purposes. If to be built for commercial purposes, it has been asked, why was the distinction drawn between a contribution in part and a contribution of the whole? It was because it was to be built for specially enumerated purposes, and because those purposes were set down at a certain value; and, finally, by comparison the amount fairly chargeable to each was eliminated, and the residuum alone is contained either in the original bill or in the substitute. No one believes that either amount of money will build the road, if that alone is to be contributed.

I was met yesterday with the argument that if the Federal Government had the power to contract one species of military work for defense, it had the power to contract any other. It was argued that the Federal Government, having the power to construct forts, could go into a State and take land *ad libitum* for the purpose, and therefore could go into a State and take land to build a railroad. if it was necessary for military uses. The language of the Constitution, which is relied upon, is found in the clause referring to sites for magazines, arsenals, dockyards, and other needful buildings. It employs this expression; that Congress shall have power "to exercise like authority," that is, exclusive legislation, "over all places purchased by the consent of the Legislature," for *such* needful building. It was argued as though this was a grant of exclusive legislation by the consent of the Legislature of the State; whereas the language is, "purchase by the consent of the Legislature;" and this distinction was so broad to those who early construed the Constitution, that it was always made applicable, and is now by law made applicable, to those cases where consent has been obtained, and where fortifications are to be erected. It is prescribed that an appropriation for the construction of a fort cannot be used until the consent of the State within which it is to be constructed, has been obtained. Knowing the jealousy which was felt by the States of the invasion by the Federal Government of their territory; knowing the jealousy with which they watched the exercise of power by the Federal Government within their limits; fore-

seeing what would necessarily arise in the conflicting jurisdiction, which must exist where permanent works were constructed and held by the United States, and the laws of the State still prevailed, they guarded it in the manner prescribed in the Constitution. It was not anticipated that these works were to be otherwise than upon sites purchased by the consent of the Legislature of the State, and therefore the language used is, "purchased by the consent of the Legislature." The Federal Government might purchase otherwise; but it was not anticipated that such works as these should be constructed without the consent of the State; and the laws are in conformity with that known intent.

But the Senator from Louisiana [Mr. BENJAMIN] asked whether the United States could not cut a road in a State? Certainly; they can cut a road whenever they find it needful to pass through the forest. They can throw up a temporary entrenchment to protect their troops in a night's encampment. This belongs to the duty of defense and the right of way. They can use it; but when they have used it, it is at an end; they have no claim upon it, no control over it. The bridge they have built may be burned to-morrow, and they have no redress from the person who committed the act. It would be entirely a thing under the State authority, and a right to pass through could only be derived from the consent of the State, and thus it has been both in the practice and legislation of the country. You allow expenditures constantly for the construction of cantonments and temporary works where the consent of the State has not been asked, where it is not expected ever to obtain it, where, in fact, it is not desired; but permanent works, such as are described in the Constitution—forts, magazines, arsenals, dock-yards, and other needful buildings—were intended to be built within the limits of a State only by the consent of the State itself.

How, then, is it in the Territories? Must the United States go to the corporation it has established within a Territory, and there ask permission to build a fort? Must they there ask the consent of the territorial government to have jurisdiction over the fort when it is built? The proposition answers itself. It has only to be stated; and thus in the Constitution itself are gentlemen pointed to the difference between constructions within the limits of a State, and within the limits of a Territory. The substitute, I repeat, is confined to the Territories alone. It has no relation to a road within any State otherwise than as building it across the Territories may indicate a future

purpose when the States shall contribute to insure its extension eastward and westward.

If it be constitutional to construct a railroad when it is necessary for military defense, we must take the responsibility in this, as in all other cases, of relying upon the discretion of the agents of the Government, that they will not pervert that which is necessary and use it where it has no such application. If gentlemen are to be frightened from undertaking a public work because of the abuse which it is possible may result from it, I would ask what appropriation have we ever made from which we should not have been likewise restrained. We have made an appropriation to extend the Capitol. Does the exercise of that power involve the right to go on and build a house that will cover the District of Columbia? And yet, the absurdity which is resorted to in order to prove the impropriety of this measure, would be as applicable in the one case as in the other. Government is a practicable thing; it must be executed by men. If those men are dishonest, and if they are seeking constantly to break the restraints of the Constitution, and to legislate so as to violate the just obligations imposed upon them, why refer to the language of the Constitution at all? It cannot restrain a man who has no honest purpose; and if he has an honest purpose, he cannot use the necessity of one case as a pretext for another.

If, then, it be admitted that there is constitutional power, and that it is expedient upon the limited scale which I have proposed to exercise, it remains to consider the practicability of the route. I believe, in this view of the case, I can show one route to be practicable; I can show that the amount proposed to be appropriated in the substitute, will insure the completion of a road upon that route; and if built on that route, it will have connections upon the east and west to answer all the purposes of the Government. That is the basis of my calculation. If there be other routes more practicable than this, others on which the road can be constructed more economically, let those others take advantage of the specific sum to build the road wherever nature has indicated the place it can be most practically and economically constructed.

In the outset of this question, however, the authority upon which the conclusion of the practicability of a particular route was based, was doubted; the evidence was said to be insufficient, such as it was said no prudent company would accept, if they were about to locate a railroad. The Senator from Massachusetts, [Mr. WILSON,] particularly, made those remarks. Now, sir, it

is a fact that these explorations were made by officers of the Army, educated to the purposes of engineering, and that they belonged to that class, without which, I believe, not one great work of public improvement in the United States has ever been conceived and executed. If there is one great work of public improvement in the United States which has been conceived and executed without the aid of some member of this particular class, on whose evidence I rely, I am not aware of what that work is. The Senator from Massachusetts would have found, by turning to his own State, that the system which exists in it was initiated and the surveys conducted, and the work progressed usually to completion, in the hands of military engineers. I can refer to some of the names: William Gibbs McNeil, George W. Whisler, Daniel Tyler, Joshua Barney, Isaac P. Trimble, John M. Fessenden, Childs, Barnes, and a great many others. At a very recent period, the professor of civil engineering, in their own University of Harvard, was an officer of the Army, who resigned his position to take that professorship. They are the men over this whole land who have inaugurated the great works of civil engineering which have been executed in it. They were the teachers. It is their pupils who now rise in rebellion against them, and, anxious for employment, arraign the masters for incompetency to do the work which they taught them to perform. I could refer to almost every State, and bring out the fact that their works of internal improvement were inaugurated and generally conducted by those who either were at the time, or had been military engineers. So much for the character of the evidence on which I rely and the capacity of the men.

In that connection, too, I may say that they were men who had been educated in the service of their country; men who looked to future connection with the service of their country; men in whom local prejudice had been smothered by education, by habit, and by future prospects. I will not allude to the region in which they were born; I leave others to do that; because it matters not to me whether they came from Maine, or New Hampshire, or Massachusetts, as they did, or whether they came from Georgia, South Carolina, or North Carolina, as they did not. I believe they had the intellectual endowment, the education, the character, and the purpose, which makes their reports more reliable than any we could have obtained from any other source; and it so happens that when these barometrical observations which have been criticised were made, and have subsequently been subjected to the test of the level, the difference is so small that a contracting party would not care for it one way or the

other, showing that a method which is not usually relied upon, in the hands of men trained and skillful, was brought to such perfection as to answer the purposes of the level actually put upon the ground.

It will be seen before I get through, however, that I do not rely upon their testimony alone; but I shall adduce the testimony of others who may have more weight with some, although not so much with myself, upon whom I rely for the same opinion. Foreseeing how much I should be embarrassed in this discussion —embarrassed by the difficulty of speaking—I had prepared some notes upon the different routes with a view to their comparison. I suppose I shall have to hurry over them very imperfectly. Perhaps they may answer my purpose. I know that the Senate are already getting weary of the subject. Perhaps it is as well for them that I am unable to consider it as fully as I desire.

I will first present some views in relation to the route near the forty-ninth parallel, being extracts from the office examinations, from the report of Captain McClellan, of Governor Stevens, of Geologist Gibbs, and of Lieutenant Abbot. Some of these have been made since the report sent to Congress by myself, in accordance with a law which it had enacted; but instead of shaking my confidence in the conclusions which I then reached, they have served to confirm them. Difficulties which I supposed not to be insurmountable, have, by subsequent examinations, proved to be so. For instance, in that report it appeared that I supposed that after reaching the Columbia river, the descent along the plain of that river would be easy. Recently a gentleman connected with the missions established on the Columbia river, in conversing with me in relation to that country, informed me that instead of the mountains sloping gently down to the river, so as to favor the construction of a railroad near the Dalles and Cascades, they rise precipitously, leaving channels which seem to have been the result of volcanic action. The river tears by these rocky cliffs, that almost overhang it, with such velocity as to render the navigation exceedingly dangerous, and, at some stages, impossible. The mountains are composed of basalt that is hard to cut, but which crumbles rapidly by exposure to the air, so as to be liable to slide and block the road. I derive the same information from other sources. It appears that they have not been able to get a wagon road down the river bank from the Dalles to Fort Vancouver; but they are compelled to use a very bad pack trail, which winds along the faces of precipices, on ledges so narrow that animals are sometimes precipitated to

the bottom and killed. An appropriation made by Congress to make a wagon road from Fort Vancouver to Fort Dalles, was expended upon a short portage at the Cascades; the road proving impracticable without enormous expense. Therefore, I say, so far from finding it less difficult, the difficulty has been magnified, and we are thrown back to the consideration of whether those passes where the snow accumulates twenty feet deep, and which were declared to be impracticable on account of the length of the tunnels to be cut, do not at last afford the only route by which we can reach the Pacific on that parallel of latitude.

I wish particularly, however, to call the attention of the Senate, on account of remarks which have been made here, to the character of the soil in this region of country. It will be remembered that the geologist, Dr. Evans, had not made his report at the time of sending in the preliminary report in which my opinion was presented. It was said then in the Official Review:

"Previous geological examinations over portions as far west as about longitude 101° or 102°, show that the uncultivable region begins in about the same longitude on this route as in the latitude of the Arkansas.

"From the geological information respecting the region between the meridian of 101° and the Spokane Plain, imparted recently by Dr. Evans, from the report of Mr. Gibbs upon the section west of the Spokane, and after a close examination of the reports, the following general conclusions have been arrived at respecting the soil of the region traversed by the northern route." * * * *

"The river-bottoms, in part, (where the soils of the different strata become mixed,) and the valleys among the mountains, form exceptions to this general condition of sterility. As, for instance, it is Lieutenant Donelson's opinion, that upon the Missouri the soil is such that the settlements might be continuous upon its banks up to the mouth of the L'eau-qui-court river, longitude 98°; from that point to Fort Union, about one fourth could be settled. 'Above Fort Union,' Lieutenant Grover says, 'on the lower portion of the river, (between Fort Benton and Fort Union,) there are many quite extensive bottoms, well adapted to agricultural purposes. There is a good deal of arable land, also, in the vicinity of Fort Benton, and in the Sun river valley.' The proportion of cultivable bottom lands on this section of the river is much less than one fourth."

It has been heretofore assumed that the valleys were arable, and they have been so treated generally. This shows the fallacy of that assumption. Then, after crossing the Cascades:

"From the main cascade chain, the generally sterile soil extends eastward over the dry region until the rain that falls upon the Cœur d'Alene, Bitter Root, and other mountains, begins to be felt; we then have grazing. The soil improves in quality as the mountains are approached, the valleys of which are represented as fertile, perhaps influenced in some degree by the nature of the mountain debris that have been washed upon them. The Columbia river and its affluents, in their lower courses within the limits above mentioned, are stated to carry gravel and sand, but no fertilizing matter."

All the valleys in this region on which reliance was placed, are sometimes overflowed by the Columbia.

"Lieutenant Mullan says of the St. Mary's valley, which has been considered as a kind of standard, 'the soil of the valley of the Bitter Root (St. Mary's) is fertile and productive, well timbered with pine and cotton-wood, but whose chief characteristic and capability is that of grazing large herds of cattle, and affording excellent mill sites along the numerous mountain streams.'" * * * *

"Dr. Suckley, referring to the Hell Gate, Bitter Root, Clark, and Columbia rivers, and to the Dalles, says: 'there are a few pieces of excellent land along these rivers. The valley of Clark's Fork is heavily timbered with pine; there is no grass.'

"Within the limits of Washington Territory, between the Cascade and Rocky Mountains, there are seven thousand three hundred and fifty-six Indians. Within the same Territory, west of the Cascades, the areas being as three to one about, there are six thousand nine hundred and three Indians. This may give some indication as to the capabilities of the soil for supporting animal life."

Then there is a statement of the amount of cultivable land from St. Paul to Seattle:

"So that of the two thousand and twenty-five miles from St. Paul to Seattle, on Puget Sound, we have only a space of about five hundred and thirty-five miles of fertile country; the remaining fourteen hundred and ninety miles being over uncultivable prairie soil, or mountain land, producing only lumber, with the limited exception of occasional river-bottoms, mountain valleys, or prairie."

This is the land we have been told, in the course of this debate, time and again, was of such extreme fertility that men could build a road through it from the sale of the lands alone.

I will next give some extracts from the report of Captain McClellan, who examined the western section of this route:

"The Yakima unites with the Columbia in a vast sage desert, extending to the north and northeast as far as the eye can reach; and the desolate, dark gray color of the sage is unbroken by the verdure of grass or trees. The Columbia is here about four hundred yards in width, with sand and gravel banks thirty feet in height; a placid current; here and there a cluster of willow bushes border the stream, usually destitute of vegetation. In the Yakima, at its mouth, are three islands covered with good grass —all that is to be found in the vicinity. Neither stone nor timber occurs in the neighborhood. The valley of the Yakima soon becomes more contracted by low hills, which gradually close upon it, and soon increase in height as the stream is ascended. To the commencement of the pine timber, a distance of nearly one hundred miles from the mouth, the average width of the valley is about six miles, occasionally reduced to four or five hundred yards by spurs closing in on both sides, and sometimes widening out to ten miles. Cotton-wood and willow fringe the stream; grass is generally confined to the water's edge, but is not in sufficient quantity to adapt the valley to grazing purposes on a large scale. In some of the small lateral valleys good bunch grass is found, as well as on the summits of the highest ridges of hills. But the winters are too severe for cattle to thrive in the open air, the whole country being covered with snow; and, in addition, the bunch-grass is of too scanty a growth to be cut for hay. During the winter the Indians drive their horses and cattle to the most sheltered spots, where they feed on wild sage and willow."

"As far up as Ketetas, the wild sage covers the valley in all parts a little back from the water. The general character of the soil is sandiness, or exceeding lightness, occasionally gravelly, or covered with loose stones. It might in many places answer well for small grains, when compared with the greater part of the territory. By reference to the mass, it will be observed that Mr. Gibbs returned from the mouth of the Yakima to Wenass by a trail to the north of the river valley. From the point where he left the Yakima, his trail passes through a wide valley for some twenty-four miles; this valley is somewhat undulating, and is very barren, being almost entirely destitute of grass, having no timber; but one little pool of water, sixteen miles after leaving the Yakima, and that brackish: it is covered with the usual growth of sage."

He goes on to describe the country on the east side of the Cascade region, proves it to be a desert, irreclamably a desert, and so it continues, according to all these reports, until you reach the mountain where this great plain of sterility is covered by the debris from the mountains, washed down upon little valleys, where by its elevation it begins to catch some of that mois-

ture which passes over from the Pacific ocean. There, for the first time, they reach a spot which can be cultivated without irrigation. The rest is a desert. And here, in general connection, I may say that this extends from the Cascade mountain eastward up to the elevations of the Rocky Mountains, southward across the Snake river, and westward over the valley of the Des Chutes, with here and there a little spot where the washing of a mountain has deposited some soil on the sterile surface that lies beneath, and where the moisture rolling down in little streams which serve to irrigate such spots, will render it possible for agricultural man to reside. Beyond that it is a mere grazing country; and whenever we meet these descriptions of bunch grass and grama grass, rely upon it, Senators, you have struck a region where there is no moisture for crops. It may be marked throughout our continent as an invariable attendant of that aridity of climate which forbids the hope of its ever being cultivated with success. To show how utterly hopeless it is to extract anything from this country, I will read a few lines more from Captain McClellan's report. He says:

"The Indians are harmless and peaceable; with the exception of the Yakimas, they are very poor. Their food consists of salmon, berries, and potatoes. The entire absence of game renders it difficult for them to obtain good clothing; during the whole trip I did not see a single deer, elk, or bear; nothing larger than a wolf. Wolves, badgers, squirrels, and a few gray marmots, were the only quadrupeds."

The soil is represented as barren everywhere, and is so admitted except where specially indicated to the contrary in the report of Governor Stevens; and in that report he speaks only of valleys here and there, fertile spots found in the long line of march. Whether in his subsequent report, which I regret to say Congress has refused to print, there is additional information expanding the region of fertility, I do not know. It was not sent in at the time these reports were furnished to Congress, and I understand Congress has since refused to print it. The report of the geologist, Mr. Gibbs, I will refer to next. He says:

"The country around Vancouver, that is in the region we have generally supposed to be the best, and thence back to the foot of the mountains, is gravelly and poor, except that on some of the small streams there are narrow skirts of rich black soil. The small prairies lying near the branches of the Cathlapootl are, however, exceptions. These appear to have been formerly the beds of lakes, and retain, to some extent, a wet and marshy

character, the soil being clay. The Columbia bottom below Vancouver is of a fine sandy loam. Much of that on the immediate banks of the river is subject to overflow during the freshets, a double misfortune, as the deposits of the Columbia are not fertilizing, and the temperature of the water destroys growing crops."

This is the opinion of geologist Gibbs, who is good authority among men of learning. Speaking of the country of the Spokanes, the same geologist says:

"That portion of the Cascade range which crosses the Columbia sinks into an elevated plateau, which extends as far as the limit of vision to the eastward—this is the Spokane plain. On it we could see no indication of water; not a single tree, except on the mountain spur; not one spot of verdure. It was of a dead, yellowish hue, with large clouds of black blending into the general tinge. It appeared to be a sage desert, with a scanty growth of dry bunch-grass, and frequent out-croppings of basalt. Descending by a very steep trail, we reached the valley of the Columbia on the 21st. Through a valley about a mile in breadth, in which not a tree is to be seen, and seldom even a bush, and which is bordered by steep walls of trap, lava, and sandstone, often arranged in a succession of high plateaux or steps, the deep, blue water of the Columbia flows with a rapid, powerful current; it is the only life-like object in this desert. The character of the valley is much the same as far as Fort Okinikane. It occasionally widens out slightly; again it is narrowed by the mountains pressing in. Sometimes the trail passes over the lower bottom; at others over very elevated and extensive terraces; and in a few places over dangerous points of the mountains. At one of the latter, three miles above the En-te-at-kwu, two of our mules were instantaneously killed by falling over a precipice, and two others seriously injured. The difficulty of the trail at this point may be imagined from the fact that we were occupied from eleven o'clock, a. m., until dark, in passing the train over a distance rather less than two miles.

"In this portion of the valley a few small groves of pine are met with; but the general character is entire absence of trees and bushes. In places only is the grass good; but we found no great difficulty in so regulating the marches as to obtain enough for the animals. The soil is so very sandy that it is not probable it can ever be applied to any useful purpose. Granite, gneiss, and syenite, occur in the valley in large quantities and of excellent quality." * * *

"The country through which we passed to the east of the Cascade range may be described as generally barren and unfit for agriculture, and poor for grazing purposes. There are two

small tracts which are exceptions to this rule; but I know of none which would be considered good in our western States." * * * * * * *

"The soil of these plains is generally thin and sterile, and covered with oxide of iron from the decomposed basalt; but in the swale, along the margin of the small streams, it is a rich, black mold. Bunch grass grows plentifully upon them, and they afford a good range for the horses of the Indian tribes to which they belong. It is, however, to be considered, that in all the stock ranges of this country the scattered growth of the wild grasses renders necessary a large comparative extent of country. These plains, except on the northern skirts, are destitute of timber, and are swept by high and piercing winds."

Perhaps I have read enough on this subject. The Columbia River Pass is described also in the same manner in which I have described it heretofore, when referring to the visit of those gentlemen from that country. Here is, however, a more exact description of it by Lieutenant Abbot:

"The Columbia river forces its way through the Cascade range by a pass, which, for wild and sublime natural scenery, equals the celebrated passage of the Hudson through the Highlands."

Here it may be remarked that a railroad was made along the Hudson, but it was because, on account of the great expanse and quiet character of the river, it was possible to build in the river itself; to turn from the mountains, and, on tressel-work standing in the water, to construct a railroad. This pass, however, is a chasm through which the Columbia river pours with immense velocity. It is stated boats can pass within a few feet of the basalt columns on the bank without danger of striking sunken rocks, so closely does deep water border upon the shore.

"For a distance of about fifty miles, mountains, covered with clinging spruces, firs, and pines, when not too precipitous to afford even these a foothold, rise abruptly from the water's edge, to heights varying from one to three thousand feet. Some of the ridges are apparently composed of compact basaltic conglomerate; others are immense piles of small rocks, vast quantities of which have been known to slide into the river, overwhelming everything in their course."

Lieutenant Derby, with an appropriation of $25,000, made for the construction of a wagon road from Fort Vancouver to Fort Dalles, made a careful examination, and he has reported

the road impracticable without enormous expense. Lieutenant Abbot, in mentioning the fact, says:

"The officer in charge of the work, Lieutenant G. H. Derby, United States topographical engineers, made a careful examination of the route, subsequent to my reconnoissance, and he has reported the road impracticable, without enormous expense. I think a careful survey would show the same to be true with reference to a railroad."

Then he goes on to describe the country in the valley of the Des Chutes, showing that there is a great belt of desert country extending north and south, east and west, probably including all that great region which lies between the great chain of the Rocky Mountains and the first chain of mountains which obstructs the passage of currents of air from the Pacific ocean.

Leaving that, however, I pass to the route of the forty-first parallel, which has been described in the Senate as having peculiar advantages. From the Rocky Mountains to the Sierra Nevada, the country on this route consists of alternate mountains and plains, or valleys—valleys utterly barren. The office examinations of the railroad explorations, show these facts:

"The greater part of the surface of these valleys is merely sprinkled by several varieties of *sombre artemisia,* (wild sage), presenting the aspect of a dreary waste; though there are spots more thickly covered with this vegetation; yet, the soil is seldom half covered with it for a few acres, and is nowhere suitable for settlement and cultivation. Immediately west of Great Salt Lake, there is a desert plain of mud, clay, and sand, impregnated with salt, seventy miles in width from east to west, by its longest line, and forty at a narrower part, further south."

Captain Beckwith, who succeeded Captain Gunnison in the exploration, describes the cañons which were necessary to be passed on this route. He says:

"For ninety-six miles below the mouth of Canoe creek to seventeen miles above Fort Reading, the course of the Sacramento lies entirely through heavily-timbered mountains, which rise precipitously from the river banks to the height of from fifteen hundred to two thousand feet above the stream. Its course is winding, with all varieties of curves greater than a right angle, and it is seldom entirely straight for two miles consecutively; but its general courses are more uniform.

"The foot of the mountains along the stream is often obstructed by fallen rocks to such an extent as to prevent its pas-

sage on horseback; and it is also obstructed by fallen timber and dense thickets of bushes." * * * * "At many points, but for short distances only, the way is obstructed by rocks in place. The road will require to be carried on the side of the mountains, a few feet above the stream at high water, throughout this entire section to the open valley of the Sacramento, whence it can be continued on the open plain."

What, think you, is it to cost for that side cut, estimated at from one hundred and fifty to two hundred thousand dollars a mile, and that with stone a greater part of it not in place, and therefore liable constantly to slide in on any road which may be constructed, any excavation which may be made, and, therefore, I say might have been pronounced, and with the facts we now possess, must have been pronounced, an impracticable route? He goes on to describe this region of country as a desert, and says:

"The two cañons of the Sacramento, fourteen and nine miles in length, and the very sinuous course of the river for the space of ninety-six miles through heavily-timbered mountains rising precipitously from the stream, form the principal characteristic unfavorable features of the route; the cost of constructing a railroad along which cannot be properly estimated until minute surveys are made."

There is something very peculiar in this route. Instead of finding on this parallel the Sierra Nevada rising with a sharp back-bone, as was expected, viewing it from the east and west, always rising and presenting a sharp ridge against the sky; instead of finding it as it was supposed to be, a mountain with a back-bone, a single crest which might be passed by deep cutting or by tunnelling, it turns out to be a great plain, forty miles wide, having its own little streams and lakes, separating two ridges of mountains which stand upon the two sides of this wide plain, like parapets to guard it. It is the ascent and descent over the ridges which bound this plain that constitute the immense difficulty. It was, therefore, that the engineer, with very great discrimination, having ascended this plain, looked for a stream with which he might descend it. Therefore, he searched until he struck the fork of the Pitt river, on the Sacramento, followed that down, and keeping to the stream, passed through this cañon of ninety-six miles as the only practicable mode of descending from his elevation, some five thousand seven hundred feet, to get upon the plain of the Sacramento, as it lies at Fort Reading. What the grade will be on some of the descents, I do not know. I think it could have been ascertained if the profiles

had been published; and here I may mention, in connection with the publication of the railroad reports, a fact, that I deem it proper in this place to notice. When the explorations were sent in, when the maps were prepared, and after delay had worn out my patience in expectation of ever seeing them engraved, an estimate was sent to Congress of the amount it would cost to engrave them, in order that Congress might make an appropriation to permit the War Department to engrave the maps which would go with the reports, and serve to explain and illustrate them. When that came before Congress, however, they chose, in their kindness, to make the appropriation, but to leave it in the hands of the Superintendent of Public Printing, and those maps have not yet been engraved, and the part of them which has been engraved has not yet been printed, and the country is robbed of the profiles and detailed maps which would have served to give them that clear understanding of the geography of this region, which must have relieved the Senate from so much imaginary construction of the face of the earth.

But I have been told that this route which was surveyed is not the one which is meant; that instead of going through these cañons of the Sacramento, some insist that the descent should be directly to Fort Reading. That would make over five thousand seven hundred feet of descent to be overcome in a space so short that the average grade would be over one hundred and twenty-five feet to the mile. This, of course, includes some lifts where the grade would be vastly greater; but the difference of elevation between the crest of the ridge over which you descend to the valley of the Sacramento, at Fort Reading, calls for an average grade of one hundred and thirty feet for forty-five miles; the space over which you have to overcome this distance. Therefore I say it was wise and prudent in the engineer; seeing how close he had come upon the valley, and how great his elevation was to seek some stream by which he might circuitously descend to the valley, at Fort Reading.

In this connection I have had the good fortune to get some information from a report of the surveyor general of the State of California, being the first reliable information we have in relation to the route that passes through what is called Carsons's valley. It will be remembered that that was not crossed by either of the exploring parties, and it may be well for me here to state the reason. The party going west, and which was then commanded by Captain Beckwith, finding their resources only equal to the exploration, if they were not compelled to make any attempt from which they would afterwards have to retire, in-

stead of attempting to cross from Carson's valley over the mountains, upon satisfying themselves that it was impracticable for a railroad, turned north to find some better line. They had heard of Noble's Pass. They found it, and found that it was nearly, if not quite, impracticable for a railroad. They went on to another, the Madelin Pass, through which they passed, finding the easiest grade which that chain of mountains presented. Anxious, however, to satisfy the public, and fully discharge the duty imposed, another party on the Pacific was subsequently directed to make that exploration across the line of travel into Carson's valley. The party were detained in the examination of the Des Chutes valley until November, and then found the snow so deep on the mountains that they were compelled to abandon the attempt to cross over into Carson's valley, so that it was not until I found this report of the surveyor general of the State of California, that I had any positive information; though before the conclusion was inevitably reached, that if in November the mountains were covered with snow so deep that engineers could not explore it, it was useless to inquire whether a railroad could be constructed there or not. This report of the surveyor general, however, puts an end to all further speculation of the subject. He gives the elevations passing up by both routes, one on what is called Johnston's Cut-Off, and the other by the old route. I refer to his report, printed in 1856. The distances are according to a survey made in 1855, by an engineer named Goddard.

I know nothing of the character of the engineer or the surveyor general. I hope the Senators from California will not understand me as speaking for either of them. My opinion in relation to the engineer, however, is favorable, from the work which he presents. It seems to hold together very well. It appears that for sixty miles to the junction of these two roads, Johnston's Cut-Off and the other, you gain an elevation of four thousand feet. On the old Carson trail it is forty-five miles, thence to the summit at an altitude of nine thousand feet, the average grade is one hundred and eleven feet. You may generally double an average grade in a rolling country. On Johnston's Cut-Off it is thirty-six miles to the summit; the altitude is six thousand seven hundred and fifty feet, decidedly less, which would give an average grade of eighty feet. To descend from the summit to Carson's valley by the old route, requires an average descending grade of two hundred feet per mile for twenty-one miles; and by Johnston's Cut-Off, an average descending grade of one hundred and forty feet per mile for twelve miles. The descent and

the ascent upon both these routes, doubling the average grade, show that it is impracticable to run a railroad otherwise than by stationary engines, and, therefore, that it is better to attempt the construction through the cañon than to cross this mountain, unless it be by a tunnel, which is represented to be about two and a half miles long, without any lateral opening. There is no estimate for the cost of that. I find none that has ever been submitted. I think it was an examination rather for a stage road, for which it was found practicable and highly useful, and no means, therefore, by which to judge at all of the expenditure which would render it possible to pass it by railroad.

In relation to the climate of this route, I would say that I believe it worse than that on the forty-ninth parallel. I believe it has more snow upon it; that occasionally it has as intense cold; that the liabilities to loss of life, and the interruptions to the working of a road, are greater upon it from cold and snow than they would be upon the forty-ninth degree of latitude.

Captain Stansbury, who passed the winter of 1849-50 in Great Salt Lake City, says:

"I had hoped, from the representations which had been made to me of the mildness of the two previous winters, that we should be able to keep the field the greater part, if not the whole, of the season; but, in the latter part of November, the winter set in with great and unusual severity, accompanied by deep snows, which rendered any further prosecution of the work impracticable."—(Page 120 of Report.)

"The winter season in the valley of Great Salt Lake was long and severe. The vicinity of so many high mountains rendered the weather extremely variable; snows fell constantly upon them, and frequently to the depth of ten inches in the plains. In many of the cañons it accumulated to the depth of fifty feet, filling up the passes so rapidly that, in more than one instance, emigrants who had been belated in starting from the States were overtaken by the storms in the mountain gorges, and forced to abandon everything, and escape on foot, leaving even their animals to perish in the snows. All communication with the world beyond was effectually cut off; and, as the winter advanced, the gorges became more and more impassable, owing to the drifting of the snow into them from the projecting peaks.

"We remained thus shut up until the 3d of April."—(Page 122.)

One Senator, however, informed us that the thirty-seventh parallel was the place, and insisted on running a road straight across on that line. That is an old story. We used to have it

running straight across and over a very level country; which level country, when subjected to instruments, proved to be ten thousand feet above the level of the sea, with tunnels of such length as no man yet has ever undertaken to cut. But we have some additional evidence in relation to the climate of that route, and not drawn from the railroad reports, of which, perhaps, Senators are getting somewhat weary. I refer to the report of Captain Marcy, of the recent expedition which he made south of this line, trying to find his way down into New Mexico. He says, in his letter dated "Taos, New Mexico, January 23, 1858," describing his route:

"For two hundred miles I encountered from two to five feet of snow, requiring great labor on the part of the escort to break a trail for the animals, and for several days I only marched about three miles per day. In consequence of this, my rations were consumed ten days before I reached the valley of the Rio del Norte, and it became necessary to subsist my command upon mules that became exhausted and could perform no further labor."

The exposure and loss of his party encountered by Colonel Frémont in the same region of country are well known to, and must be remembered by, the Senate. Captain Marcy, in his letter to Major Porter, on the same expedition, dated June 12, 1858, says:

"Our trace is along the valley of the Grand river to the junction of the Bunkaree and Compadre, both of which we forded, and ascended the latter about fifteen miles. We found no snow in these valleys, and the atmosphere was mild, with much of the grass green.

"Several lodges of Utah Indians were met with upon the Compadre, who informed us that the major part of their band had gone to Snake river upon a buffalo hunt, and had taken with them nearly all of their best horses. I held out every inducement to persuade them to sell some of the remaining ones, but did not succeed in purchasing one.

"They seemed to be amply supplied with rifles and blankets, which they said had been presented to them by their agent, in New Mexico. I also made an effort to hire one of them to accompany us, as a guide, as far as the 'Kutch-e-tope' Pass, supposing he would know the best route to avoid the deep snows; and, as an inducement, I offered him the value of two horses; but he most peremptorily declined, saying, 'the snow was very deep in the mountains; that we would all perish; and that, for

his part, he was not disposed to die in that way.' He also said it would be much more wise for us to turn about and go back, or stop and winter with them.

"Our interpreter replied to him that we were men, and not old women; that we intended to go on, and had no fears as to the result.

"We purchased some deer-skins from these Indians, which were distributed among the soldiers, to repair their shoes and make moccasins, as many of them were nearly barefooted."

* * * * * * *

"On the 22d day of December, we left the valley of the Compadre, and taking a southeast course, entered the mountains, where we at once encountered snow, which increased in depth as we ascended, and upon the top of this was a hard crust, that cut the mules' legs severely, and greatly augmented the difficulty in traveling.

"On the 24th the snow had become so deep that, finding it impossible for our jaded animals any longer to break the track, I placed forty men in the advance who waded slowly through it, alternating from front to rear as they became exhausted, and in this manner a path was beaten over which the pack mules with difficulty passed. The snow continued to increase in depth as we advanced, but the men struggled most manfully on. They were cheerful, and there was not a word of complaint from any one of the soldiers."

. . . . . .

"We then followed slowly on until the 31st, making about five miles a day. This brought us to a small creek which our guide informed me had its rise on the Kutch-e-tope Pass. Here we had the misfortune to encounter a snow storm which added about fourteen inches to the heavy body of snow already upon the ground, and increased very greatly the difficulty of breaking a track through it.

"The following morning dawned upon us with gloomy auspices, far from promising a happy new year; yet we struggled on, and by the severest toil made about two miles during the entire day. The snow was now from four to five feet deep, and the leading men were obliged in many places to crawl upon their hands and knees to prevent sinking to their necks. They could only go a few yards at a time before they were compelled, in a state of exhaustion, to throw themselves down, and let others take their places."

He goes on to describe the sufferings of his men; but I have read enough to show that this is a country where the obstructions are such that I presume no one, speaking fairly on the subject, would say it is a fit route for a railroad. He says further:

"The route we passed over, from Camp Scott to the valley of the Rio del Norte, traverses for almost the entire distance a very broken and mountainous region, over which I regard it as wholly impracticable to carry a wagon road without the expenditure of a vast amount of labor. It would, however, be a good route for summer travel with pack mules, as grass, water, and wood, are abundant upon the whole route. The estimated distance from Camp Scott to Fort Massachusetts is five hundred and ninety-three miles."

That is in the region of country where the Senator from New Hampshire [Mr. CLARK] proposes to run this road as the only line which he could favor. In order that I may not have been misunderstood in all these heights, I will repeat that the altitude of the pass El Sangre del Christo is ninety-four hundred feet; and that of the Coocha-to-pee, ten thousand and thirty-two feet; and here we find a party of soldiers compelled to relieve each other, to crawl on their hands and feet, in order that they might break the snow sufficient for the packed mules to follow.

Passing on to the thirty-fifth parallel route, where it has been said we have the best soil, and the greatest abundance of timber and water, and therefore the best line for a road, I will first notice the soil of this region. I read from the office examinations of the field-work of the railroad explorations:

"Grama grass being found on the north bank of the Canadian, in longitude 96° and extending westward in greater or less abundance to the Sierra Nevada, indicates that the change from fertility to barrenness begins in that latitude, at least north of the Canadian. Cactaceæ also make their appearance with grama grass. South of it, however, the geological formation is that of a good soil, to about longitude 98½°. At this point the change to uncultivable land is complete, except in the river bottoms, which are more or less fertile, but not the great body of the land. Not far south of the route good soil extends westward to the termination of the Wichita mountains. Some portions of the upper valley of the Canadian, the upper valley of the Pecos, the valleys of the Rio Grande, Zuñi, Colorado Chiquito, San Francisco, Colorado of the West and its tributaries, possess a fertile soil, requiring generally irrigation to make it productive. That portion of the southwest corner of the Great Basin traversed by this route, and over which the explorations of Lieutenant Williamson extended, is well constituted for fertility, its barrenness resulting from the absence of rain. Generally the uncultivable plains have an abundance of nutritious grass, though there are extensive tracts where little or none is found—the two greatest being from the Antelope Hills to Tecumcari creek on the Canadian, two

hundred and fifty or two hundred and sixty miles, and from the lower part of Santa Maria river, to the Mohave river, two hundred miles."

Upon this route, I think, with the exception of that near the forty-ninth parallel, the interior is better supplied with such timber as will serve to construct a railroad, than is the case on the other routes. I am inclined to believe, from all the additional information on the subject, that the interior of the country on the route of the forty-ninth parallel is better supplied with timber than any other, and some day it will no doubt be proposed, and proposed properly, to connect the head of navigation on the Missouri with the head of navigation on the Columbia by a railroad, if it can be built, and by a great wagon road if it cannot. I believe it is practicable for a link of that length to build a railroad; and when the commerce of those rivers has been developed, if we can ever secure the passage of the Cascades by steamboats, a railroad of that length will pay the company who build it, being approachable at its two termini a large portion of the year for that sort of transportation, which will be cheaper than a railroad, even if the railroad were built from the Mississippi river.

There are some portions of the thirty-fifth parallel route where the timber will have to be carried a considerable distance. That is so of all of them; and in the comparison it is hardly necessary to speak of that, because it is the case with all. On this route, there is a smaller portion of the distance, I think, where fuel cannot be got, than in any other; but "from the Aztec Pass to the Sierra Nevada, four hundred and twenty miles, no fuel for railroad purposes will be found, and that for working parties will be scanty in some places. From the point of leaving the Colorado to the Mohave river, one hundred and fifteen miles, no fuel is to be had," and no water. That portion of the difficulty on this route has been constantly overlooked; no mention has been made of it. Gentlemen have spoken of it as though they had passed all difficulty and reached a point where all was smooth. They seem to be clinging to the old error, that the Mohave river is a tributary to the Colorado, and that when they reached the Mohave, they have passed into the Colorado valley, an error long since exploded—exploded by these very explorations. It is shown that there is a high ridge, rising to four or five thousand feet above the sea, between the termination of the Mohave river and the Colorado, and that the Mohave river sinks,

never to rise again, having an expansion for some distance from the point where it sinks, a sort of pool, and then disappearing.

Mr. GREEN. I wish to request the Senator to describe the route from Fort Yuma, west of the Colorado, his own favorite route.

Mr. DAVIS. Shall I do it now, or will the Senator wait until I am ready for it?

Mr. GREEN. Any time you choose.

Mr. DAVIS. If the Senator will only wait until I get to that, he will have it; he is in too much haste. As to water on the thirty-fifth parallel route:

"The exact distances over which water is not found at certain seasons, or permanently, are not stated. It does appear, however, that a resort to unusual means will be necessary east of 100° longitude. Between that and the Pacific there are spaces destitute of it, where, from the known character of the geological structure, there is no doubt that sufficient supplies can be obtained either by deep common wells, artesian wells, or reservoirs." . . . "These larger supplies of timber and water, west of the Rio Grande, are attained at the expense of great elevation and somewhat rugged ground."

On the particular point to which I was referring when the Senator from Missouri interrupted me, I wish to state the fact that the party of exploration, when they left the Colorado, had to divide the little party of Captain Whipple into three parts to get water enough when they stopped at night in crossing to the Mohave river.

Mr. GREEN. Let me ask another question. Has any party ever explored from the mountains westward, by the Mohave river, through the Tejon Pass?

Mr. DAVIS. I believe they have explored all the routes and all the passes.

Mr. GWIN. I think I can explain to the Senator, if he will permit me.

Mr. DAVIS. Certainly.

Mr. GWIN. The party of Lieutenant Whipple, when they left the Mohave, instead of going up to the pass just above the Tejon Pass, to which the Senator refers, turned down and went through the Cajon Pass. The junction between the point where Lieutenant Whipple left the Mohave river and the Tah-ee-chay-pah Pass has never been surveyed by any party as yet; but I have never heard that there was any difficulty in approaching that pass from the Mohave river. Inasmuch as Lieutenant Wil-

liamson had surveyed this pass, and the Cajon Pass had never been surveyed, Lieutenant Whipple, in order to do the most service, surveyed that pass. They turned from the Mohave and went through the Cajon Pass, the other pass having been surveyed by Lieutenant Williamson; but he did not make a connection with the Colorado river, nor did Lieutenant Whipple make a connection from the Mohave river to these passes in Sierra Nevada.

Mr. DAVIS. There is no difficulty about the Tah-ee-chaypah Pass. After ascending the valley of the Mohave, and knowing the pass, there was no necessity of examining the simple plain that lay between the two. The difficulty is between the Colorado and Mohave rivers. The supposition left undetermined by Lieutenant Whipple was, that the Mohave river emptied into the Colorado. He left the field with that supposition; it thus appears in his preliminary report. I doubted whether it was so, and Lieutenant Parke was ordered to examine and settle that question. He did examine it; and instead of its emptying into the Colorado, he found an elevation of four to five thousand feet between the last water of the Mohave and the bank of the Colorado. Lieutenant Parke's examination completed the exploration of that portion of the route; and it gives all the information the Senator can desire in relation to that point, about which, I believe, nobody has ever expressed any doubt.

I will now go to the route on the thirty-second parallel, as the Senator from Missouri is anxious to get to it. I hope he does not expect me to make it quite smooth, or suppose that I will find water at convenient distances, cultivable land, and timber continuously along the route. I know of no such route across our Territories. I wish I did. If there was a route where it was thus made easy to build a railroad, I should feel a security for the future which I do not possess; and it would bring in its train not only the construction of such a work, but it would bring with it that continuous population which is needful to bind the two parts of the country together. I know of no such line. I believe it is a herculean task, attempt it where you will; go on what parallel of latitude you may, all you can do is to take the least of most serious obstacles. I reached the conclusion that the difficulties were least on the thirty-second parallel; not that they were light. There have been various modes of connecting this line south of the Gila with the Rio Grande.

The office examination says:

"After ascending from the bottom lands of the Rio Grande, in traversing the region examined by Lieutenant Parke between

these two rivers, from Doña Ana to the Pimas villages, one appears to be traveling on a great plain, interrupted irregularly and confusedly by bare, rugged, abrupt, isolated mountain masses, or short ranges, seemingly, though not in reality, without system. Winding around these isolated or lost mountains, or using a few passes through them, a railroad may be constructed with easy grades. Except through the mountain passes, the surface is so smooth as to require but little preparation to receive the superstructure of a railroad; and even in the two most difficult of the passes, (where in one case, deep cutting or a tunnel at the summit, near the surface, in rock, with heavy side cuttings and high embankments for short distances, and in the other a short cut of sixty feet—probably through rock—are proposed by Lieutenant Parke, to attain grades of forty-six feet and ninety feet per mile, or less by increasing distance,) the natural slope of the ground may be used for a railroad for temporary purposes, and until the road itself can reduce the cost of materials and supplies to the lowest rates."

The resurvey shows that the two most difficult passes may be avoided.

Mr. DOOLITTLE. I will inquire of the Senator where he commences on that route; at El Paso, on the west line of Texas?

Mr. DAVIS. This exploration begins just above El Paso. It goes on to speak of the country from the Rio Mimbres to San Pedro, destitute of running water one hundred and fifty-two and a half miles. Then comes the Valle de Sauz, seventy-two miles, where water is always found. Then, from San Pedro to Tucson is fifty-three miles. It goes on and gives the points of water in regard to which this remark was made, and which I believe still to be correct:

"The most unfavorable condition, towards the termination of the dry season, has been presented above. At other seasons, lakes and springs will furnish water at much shorter intervals; but the first step in the construction of the road will be building wells between the points of abundant supply."

It has been argued, and I think successfully, that if the road were built, they could go from one supply of water to another; but that has never satisfied my mind of the difficulty which presents itself in building the road. I do not see how the road is to be built, how working parties are to be sustained, with the distances which are found upon every route which ever has been surveyed. After the road is built, it would be possible to run the locomotives over very great distances; and, though it would

not be most desirable, it would be feasible, if water failed at intermediate points, that you could still go on. The reason why the construction of wells is presented, is not so much for the working of the road, as the absolute necessity of having water in the construction of the road. The greatest distance between the springs is forty miles. In relation to the timber on this line, the points of supply are presented here:

"For ties, the lumber of the Sacramento and Guadalupe mountains, and, if necessary, from the eastern portion of the route, must first supply them; then the mountains at the sources of the Rio Mimbres, should it be found economical to resort to them, and the source of supply for the road along the Gila, which will be pointed out presently. Lumber will come from the same points."

There is no timber along that section; none over a large portion of the plains. Then beginning at the Gila, where the Senator from Missouri wishes, seven miles above the Pimas villages:

"We have now reached the Gila, seven miles above the Pimas villages, the elevation above the sea being one thousand three hundred and sixty-five feet. From this point to its junction with the Colorado, the valley of the river is highly favorable to the construction of a railroad. There will be no necessity for embankments against freshets, but trifling occasional cutting and filling; and in those instances where the hills close in upon the river, there is ample space for the road without heavy cutting. The elevation at the mouth of the river being one hundred and eight feet and the distance between the two points two hundred and twenty-three miles, we have a general slope of five and six tenths feet per mile, which, from the favorable character of the ground, may be assumed as the grade of the road.

"Water and fuel for working parties are sufficient, though no grass. Logs may be driven down the Gila from the Mogoyan mountains, at its source, from the Pinal Lleno, and down the San Francisco and Salinas rivers, from the pine forests on the former, and the mountains at the source of the latter."

Mr. GREEN. Will the Senator permit me to interrupt him?

Mr. DAVIS. Certainly.

Mr. GREEN. He misunderstands the point to which I directed his attention.

Mr. DAVIS. But I will treat of it when I come to the other route.

Mr. GREEN. But from the manner in which the Senator spoke of me, I thought he was supposing he was answering my question.

Mr. DAVIS. I will give way to the Senator, if he wishes to take up the line of argument; but if he chooses that I shall go on, I should like to do so.

Mr. GREEN. Certainly.

Mr. DAVIS. I cannot consent to explain a question like this, of physical geography, by the interjections of the Senator from Missouri:

"But it may be found more economical to receive all the supplies of lumber needed, from the western portion of the road, either from the San Bernardino mountains and Pass, or from the harbors of San Pedro or Diego, or, should it be found desirable to establish one, from the depot near the mouth of the Gila."

Senators will perceive that I am here explaining the basis on which I entertained an opinion, which opinion governs my vote in this case. I have no controversy with anybody. I do not expect to prove that there is water where nature has given none. I do not expect to satisfy gentlemen that their routes are not as good as they wish them; but I am dealing with the facts as they are contained in the reports, to justify me in the opinion which I have officially expressed, and on which I am now acting in my proposition to grant a given sum to make a railroad. I have not encountered all this labor as a mere matter of controversy with anybody.

"The most favorable point for crossing the Colorado is at the junction of the Gila, where the river is narrowest, six hundred and fifty feet wide, and has bluffs on both banks.

"The direction that the road should take across the desert intervening between it and the foot of the Coast range, depends, in part, upon the position of the pass by which it crosses this mountain chain. There are two passes known and explored. Warners, the more southerly of the two, will require five miles of excavation in granite and mica slate for the full width of the road, the grades varying from one hundred and thirty to one hundred and ninety feet per mile."

Here I wish to say that, since this examination was made and the altitude announced, as upon the result of Lieutenant Williamson's exploration with the barometer, it has been examined and reported upon by the level by a civil engineer, and the difference is between three thousand seven hundred and ninety-five and three thousand six hundred and twenty-nine feet, Mr. Poole, the civil engineer making it three thousand six hundred and twenty-nine, whereas the topographical engineer,

by the barometer, had made it three thousand seven hundred and ninety-five—the thousands are the same, the hundreds are a little different. I mention this to show the accuracy with which these barometrical altitudes have been determined:

"The distances from the mouth of the Gila, over the desert, to the entrance of this pass, is eighty miles; thence to San Diego is one hundred and fifty miles. The San Gorgonio or San Bernardino Pass, on the contrary, is remarkably favorable. It is an open valley, from two to five miles wide, the surface, smooth and unbroken, affording in its form and inclination every facility and no obstruction to the building of a railroad."

And over this plain of eighty miles, to which the Senator from Missouri calls my attention, I will say to him that, with the exception of the period when a pool of water was found, to which they gave the name of New river, it has been considered as a desert *jornado*. It is certainly destitute of water, but it is evidently a delta formation, and not a desert in the sense of being unproductive if it had water. It is all of it alluvial soil, and clearly once belonged to the Colorado, and was habitually overflowed by it; but the formation of the banks of that stream, having sufficient moisture and tenacity to catch the sand driven by the winds upon it, has at last made a barrier, stopping the overflow of the Colorado, and the long drought upon the alluvial land on the plain west of it has rendered it entirely sterile. Thus, I am informed, it is now all along the Rio Grande, the moment the cultivation of a field is abandoned, left for but a few years without irrigation, sterility settles upon it, and it becomes wholly unproductive; but it can be revived again. It is surrendered to aridity, not to the encroachment of sand as along the Nile, and therefore rendered worthless for other purposes, but it becomes sterile from the want of moisture.

"The elevation of the mouth of the Gila is one hundred and eight feet, and the grade across the plain nearly horizontal. Approaching the pass, we have for ten and a half miles an ascending slope of forty feet per mile; then for six miles, one of eighty-nine feet per mile. We are now at the point one hundred and thirty-three miles from the mouth of the Gila. The natural slopes along the line of survey are sufficiently practicable for a railway."

I have spoken generally of the lumber. It is spoken of more specially in this report:

"The worst case having been discussed, it remains to be said that good ties and lumber can be obtained from the Guadalupe

and Hueco mountains, from the head waters of the Rio Mimbres, from the Pinal Lleno, Salinas river, and head waters of the San Francisco, and from the San Bernardino, mountains of Sierra Nevada or Coast range, which sources of supply may be found to materially obviate the necessity of transporting lumber from the two ends of the road."

Such is the general report. Over this line there is an amount of territory which must ever remain unproductive, unless that hope which has become less and less in the progress of years, should hereafter be realized, and we shall be enabled by boring artesian wells to obtain water. When that is done, fertility will result wherever there are the necessary elements in the soil itself. Until that time all those routes are broken by a wide belt of desert. The reports show a fewer number of miles through this desert region on this line than any other, and also show that the longest distance between the points which can be supplied with certainty from permanent water is forty miles.

Upon a careful, thorough, and rigid examination of the information collected by the exploring parties, it appears that the route near the thirty-second parallel possesses advantages greater than any other surveyed, and fulfills the requisition of Congress for "the most practicable and economical route from the Mississippi river to the Pacific ocean." It is the shortest route; its length being from one to four hundred miles less than the two shortest of the other routes; it is likewise the shortest route to San Francisco, being one hundred miles shorter than any other. The vast uncultivable belt through which all the routes must pass is crossed by the route of the thirty-second parallel where the width is least, its length through this region being two hundred miles shorter than upon any other line.

The mountain region on this route has the least elevation, and the table lands preponderate to a greater degree than on the other routes.

It is the most economical route; the estimated cost to the Pacific being from eighteen to twenty million dollars less than that of any other, and to San Francisco $10,000,000 less; the cheapness of construction being due to the great extent of plains and table lands where the road-bed preparation required is slight.

The mountain passes are open and their natural slopes admit of temporary use without costly preparation. The winters are so mild that no difficulties, impediments, or dangers from snow and ice are to be apprehended, and this admits of the use of very steep grades.

On all the routes, unusual means must be resorted to for supplies of water at the distances usual on railroads. The intervals between the large permanent supplies on the route of the thirty-second parallel, are not too great for the working of a railroad. Additional supplies at shorter distances, may be collected by tanks or wells.

In the uncultivable belt that separates the Mississippi from the Pacific, extensive areas of arable soil are to be found. The route of the thirty-second parallel is neither less favorably situated in this respect, nor in population and mineral wealth, than those in other latitudes, nor is the supply of building materials and timber materially less on this route than on the others, excepting an interior portion of the route near the forty-ninth parallel, where a dense growth of firs is found for the space of one hundred miles.

The route of the thirty-second parallel is not only the shortest and cheapest, but the character of its construction is such that it could be executed in a vastly shorter period. It is obvious that a road on any of these routes, with the exception perhaps of the forty-seventh parallel, must be built continuously from the two extremities, and an obstacle that arrests its progress at any point defers the commencement of all the work in advance. The tunnels and much of the other work on the more northerly routes in the most desolate regions are such as could not be commenced until a road was constructed up to those points, and would then require a long period for their completion.

On the southernmost route, on the contrary, the progress of the work will be regulated chiefly by the speed with which crossties and rails can be delivered and laid, the nature of the country being such that throughout the whole line the road-bed can easily be prepared in advance of the superstructure. The few difficult points, such as the Pass of the Guadalupe and Hueco mountains, and the passes between the Rio Grande and Gila, would delay the work but an inconsiderable period.

This peculiarity of the ground presents another advantage in the fact that temporary tracks could be laid upon the natural surface of the earth to almost any extent, to serve for the transportation of materials and supplies.

The comparison instituted in the office when the field work of the various explorations was brought in, was to fulfill the requirements of Congress, to find the most practicable and economical route for a railroad from the Mississippi river to the Pacific ocean. I am not engaged now in the investigation of

that exact question. It is simply a question of crossing the Territories; but as it may connect itself in any action of Congress, I have prepared a table which contains somewhat more succinctly than it is found in volume seven of the railroad reports, and with some additional information since volume seven was issued, so as to show the distances by the proposed railroad routes, of the sums of the ascents and descents, the comparative cost of the different routes, the number of miles through arable land, the number of miles through land generally uncultivable, the arable still being found in small areas, the altitude above the sea, and the highest point.

In this connection I wish to refer to the testimony of a civil engineer who has been over both the thirty-fifth and thirty-second parallel routes, and looked at them with a view to the construction of a railroad. He was first connected with a party of exploration of the route near the thirty-fifth parallel—Albert H. Campbell. I intend to read from a letter which I find addressed by him to the Hon. Guy M. Bryan, of Texas, in relation to the Pacific railroad, published in 1858. On the first page he sets forth the total indifference to him as to which of the two routes may be selected, and the absence of any pecuniary motive to influence him one way or the other. He says:

"I have no pecuniary or landed interest in the El Paso route, and consequently have no motive for my preference, except an honest conviction, derived from personal observation, that it is emphatically the most practicable, cheapest, and shortest route between the Mississippi river and the Pacific ocean; and the country through which it passes, as a whole, will compare favorably with any other route in agricultural and pastoral resources, and in mineral wealth, and that it is the only route that can be successfully worked during the entire year." . . .

"It is practicable to construct a railroad along the Albuquerque route, as reported by Captain Whipple; but I maintain, and am willing to leave the decision to the ablest impartial railroad engineer in the country, that it cannot be done without an immense outlay of treasure in preparing a road-bed, and exceeding, by at least twenty-five per cent., the cost of constructing a road of equal length over the thirty-second parallel."

Again, he says that fertile "mountain valleys and river-bottoms exist upon all the routes, and the difference in the areas found in the different latitudes is not sufficiently great to be of any considerable weight in determining the question of choice of route."

He goes on to speak of the character of the surveys, and then shows, on what he has evidently based his judgment, that it was impossible to work a road on the thirty-fifth parallel during the entire year. Of the climate, he says:

"In regard to the climate of winter on the Albuquerque route, I am satisfied that it will be found too cold to work a railroad successfully for at least three, if not four, months of the year. The recorded experience of six winters at Fort Defiance, only twenty miles in latitude north of Campbell's Pass, and about the same elevation (as I observed when I went to that post in November, 1853, through Campbell's Pass, though the Army Meteorological Register, page 641, puts it down (or rather up) to '7,200 (?) feet' above the level of the sea) must be taken as conclusive of the fact of it being at times extremely cold.

"At Albuquerque, according to the meteorological report of the medical department of the United States Army, the maximum and minimum temperatures, respectively, were, for the winter months of 1849 and 1850: in December, 53°, 5°; January, 49°, 12° below zero; February, 57°, 17°. For 1850 and 1851: in December, 52°, 5° below zero; January, 57°, 8°; February, 59°, 7°. For 1852 and 1853: in December, 65°, 21°; January, 65°, 19°; February, 66°, 13°. For 1853 and 1854: in December, 66°, 20°; January, 63°, 5°; February, 67°, 15°; and in December, 1854, 58°, 19°.

"At Fort Defiance, about twenty miles north of Campbell's Pass in latitude, and from three to five hundred feet higher, the maximum and minimum temperatures, respectively, were: For the month of December, 1851, 62°, 4°; eighteen inches snow. For 1852 and 1853: in December, 50°, 2°; January, 55°, 7°; February, 56°, 6°. For 1853 and 1854: in December, 57°, 6°; January, 49°, 20° below zero; February, 54°, 2°. For 1854 and 1855: December, 65°, 10°; January, 59°, 17° below zero; February, 61°, 13°. For 1855 and 1856: December, 56°, 25° below zero; January, 54°, 8° below zero; February, 51°, 3° below zero."

My friend from the hyperborean region of Iowa, will consider it cold whenever it sinks below zero anywhere. A great error has been committed in supposing that because the thirty-fifth parallel route is in a southern latitude it must be a warm country. Elevation has as much to do with the thermometer as the parallel of latitude on which a spot is found. Here is an elevation of seven thousand feet above the sea, and a country entirely deprived of moisture. The air from the ocean has deposited all the moisture it possessed in passing the mountain

ranges, before it reaches this plain. Over it, then, the hollow winds howl with a degree of cold scarcely less intense than that found in any portion of the country. But going through with this table, the writer says:

"The table above will give a fair idea of the climate of the country. The winter of 1855-56 was more severe than any one known for many years. The wintry weather commenced on the 1st of November, 1855, and has continued up to the present time, (March 14, 1856.) The Rio Grande, at Albuquerque, was frozen over, and with ice sufficiently strong to bear a horse and carreta. Those Indians who live habitually to the north of Fort Defiance, were obliged to abandon that portion of the country and move south, with their flocks and herds, in quest of grazing, on account of the depth of snow, which, in the mountains, at whose base the fort is situated, was over two feet in depth, in March, 1856." (Correspondence, J. Leatherman, assistant surgeon United States Army; Smithsonian Report, 1855, page 287.)

Speaking of the immense exposure encountered on this elevated plain in winter, Mr. Campbell says:

"The imagination can readily picture the terrible calamity which would inevitably befall a train load of passengers *en route* for the Pacific if an accident of a similar kind should stop their progress midway upon one of those desolate artemesia districts, between the Ojo de Gallo and the Little Colorado, and between the valley of the Big Sandy Fork and the sink of the Mohave, where no human habitation can ever exist between the permanent water stations."

He treats the supply of water, then, pretty much as I have noticed it in other reports. He notices the fact that Captain Marcy, after having traveled over the thirty-fifth, and then seeing the thirty-second parallel route, testified in favor of the thirty-second as an emigrant route. He cites the opinion of Major Emory as to the route on the thirty-second degree. He says:

"In an allusion to the subject of a railroad, (on page 51, first volume Mexican Boundary Report,) he [Major Emory] emphatically declares, of the advantage gained by the last, or Gadsden treaty, that it 'has secured what the surveys made under the orders of the War Department demonstrate to be the most feasible, if not the only practicable, route for a railway to the Pacific.'"

I will say of that officer, that he is the first who made an examination of that country, and reported its topography so

accurately as to elevation, latitude, and longitude, that his report stands to this day uncontradicted by subsequent exploration, while other maps of the same, or anterior date, have been swept out of existence by the fallacies that were found written upon them. Having made the exploration at that early day, he has again returned to the same section of country and engaged in the survey of the Mexican boundary. I hold that his opinions, therefore, have the peculiar value which belongs to the accuracy he has shown in all his work heretofore, and the double opportunity he has had to judge of this particular section. I may also say that he was, at one time, in the office of examination, and that while in that office he had all the reports submitted to him, and, therefore, had the general view of the subject before he went into the field for the Mexican boundary survey.

There has been a great deal of argument to prove the abundance of water in the line of the thirty-fifth parallel. I do not know that any one has undertaken to prove that the thirty-second was overflowed. The difference between them is that the thirty-second has no very great elevation. After mounting those plains on the west of the Rio Grande, it runs with very little variation, and consequently a low sum of ascents and descents, until it gets to the Colorado. Then it crosses another plain to the mountains, passes through the mountains on a natural grade, and ascending towards San Francisco through the valley of the Santa Clara and Salinas, finds a route which avoids all those difficulties of going through the Tejon, or other passes, which requires them to descend into the valley of the San Joaquin. On the other hand, the route of the thirty-fifth parallel in the belt of country which lies between the Rio Grande and the Colorado, mounts upon an elevated plain of from six to seven thousand feet, and continually passes into depressions, so as to give it the greatest sum of ascents and descents, and finally comes within about seventy miles, I think, of the Colorado river standing on this plain five thousand feet above it. This is the reason why Lieutenant Whipple, instead of going down directly, and making that short line, which is so often spoken of, went down Williams's Fork to get the easy grade which he obtained by following the channel of that river, keeping in the valley of Williams's Fork. Thus he made his great detour to the south, and returned again up the Colorado river before crossing it.

The table to which I have alluded presents, in a more condensed form than I can do it otherwise, the distances, the sums of ascents and descents, and the comparative cost of each route. It does not matter whether this comparative cost is too high or

too low, for the same standard is applied in all. The object was to approach as near to accuracy as possible, and the accuracy believed to be attained was the accuracy of comparison, not a positive sum of the cost of the number of miles of route. I now submit this table to the Senate:

Table showing the lengths, comparative costs, etc., of the several routes explored for a railroad from the Mississippi to the Pacific.

Routes.	*Distance by proposed railroad route.*	*Sums of ascents and descents.*	*Comparative cost of different routes.*	*Number of miles of route through arable land.*	*Number of miles of route through land generally uncultivable, arable soil being found in small areas.*	*Altitude above the sea of the highest point on the route.*
	Miles.	*Feet.*				*Feet.*
Route near forty-seventh and forty-ninth parallels, from St. Paul to Seattle.....	1,955	18,654	$135,871,000	535	1,490	6,044
Route near forty-seventh and forty-ninth parallels, from St. Paul to Vancouver...	1,800	17,645	125,781,000	374	1,490	6,044
Route near forty-first and forty-second parallels, from Rock Island, via South Pass, to Benicia.....	2,299	29,120 *	122,770,000	899	1,400	8,373
Route near thirty-eighth and thirty-ninth parallels, from St. Louis, via Coo-che-to-pa and Tah-ee-chay-pah Passes, to San Francisco	2,325	49,985 †	Impracticable.	865	1,460	10,032
Route near thirty-eighth and thirty-ninth parallels, from St. Louis, via Coo-che-to-pa and Madelin Passes, to Benicia	2,535	56,514 †	Impracticable.	915	1,620	10,032
Route near thirty-fifth parallel, from Memphis to San Francisco	2,366	48,521 ‡	113,000,000	916	1,450	7,550
Route near thirty-fifth parallel, from Memphis to San Pedro	2,090	48,862 ‡	99,000,000	690	1,400	7,550
Route near thirty-second parallel, from Gaines's Landing to San Francisco, by coast route.....	2,174	38,200 §	94,000,000	984	1,190	5,717
Route near thirty-second parallel, from Gaines's Landing to San Pedro...	1,748	30,181 §	72,000,000	558	1,190	5,717
Route near thirty-second parallel, from Gaines's Landing to San Diego...	1,683	33,454 §	72,000,000	524	1,159	5,717

* The ascents and descents between Rock Island and Council Bluffs are not known, and therefore not included in this sum.

† The ascents and descents between St. Louis and Westport are not known, and therefore not included in this sum.

‡ The ascents and descents between Memphis and Fort Smith are not known, and therefore not included in this sum.

§ The ascents and descents between Gaines's' Landing and Fulton are not known, and therefore not included in this sum.

In volume seven of the railroad reports, a table will be found with which this very generally corresponds, the difference being that, the surveys having commenced at different points, one for instance at Council Bluffs, and another at Fort Smith, these have been extended so as to show more exactly their connection with the Mississippi river. The ascents and descents between Rock Island and Council Bluffs are not known; therefore, they are excluded in the sum. From St. Louis to Westport they are not known, and are not included. From Memphis to Fort Smith they are not known; and from Gaines's Landing to Fulton they are not known, and not included. Otherwise they give the sum of ascents and descents. It is substantially an abridgement of the table in volume seven, with some additions to it. It is based, too, on the supposition that the reported practicability of the Cœur d'Alene Pass is correct, and thus it has reduced the total sum on the forty-ninth parallel, according to the revised report of Governor Stevens. It is a slight reduction on the line of the forty-ninth parallel route. No additions have been made for those difficulties which, in addressing the Senate, I have stated had come to my knowledge since he made his report, because that is a species of information which not being derived from instrumental survey, is not accepted, and enters into no estimate and no figures.

If, Mr. President, I have (though I know much less perfectly than I had hoped) established my position, that the route of the thirty-second parallel is the most practicable and economical, I have only to add to what I have said, that looking to the grant of land made by Texas, and to the conjoint interest which would be brought to bear for the extension of that road to the Rio Grande, by a company formed to build a road from the Rio Grande to the Colorado, I believe the sum of money and the grant of land, the smallest proposed by any one, which is contained in this substitute I offer, will secure the construction of the road across that piece of territory, will secure the extension of the road of Texas to the Rio Grande, either under the existing or some other company which will become possessed of the endowments that Texas has given, and that having reached the Colorado, California will charter a company to extend it to San Diego, to San Pedro, or perhaps, in the first instance, to San Francisco. Most probably, that company, if they are chartered to go to San Francisco, will make their first terminus at San Pedro, and thus command a readier return for their investment in the road than if they awaited its final completion to San Francisco.

I have endeavored, during the progress of this debate, to ascertain how much of the land in the valley of the Santa Clara and the Salinas would inure to the benefit of a company undertaking to build a road. It is all known to be of the highest fertility, and blessed with a climate not inferior to any within the limits of the United States. If it is possible for the company constructing this road to obtain even one-half of the amount of land proposed along that line, I rely upon the accuracy of Lieutenant Parke's estimates, together with the trade which would flow upon it, to establish the fact that the road will be built there by the land grant alone. Whenever California shall charter a company to build this road within her own limits, and that company shall come to Congress and ask for a grant of land to construct it, I think that we cannot doubt that the interest of the United States in the construction of that road to the great harbor and naval depot on the coast of the Pacific will warrant Congress in making a grant of land to such a company. Thus, I reach the conclusion that the Texas road will be drawn on to make a junction with the road built in the Territory, and that built to the Colorado will extend itself to the Pacific, and the eastern terminus of the Texas road will connect itself with all the roads which ramify throughout the United States, coupling, in a very short time, St. Paul and Galveston together; that it will answer all the purposes of commerce there as elsewhere; that it is, in fact, when you take into account the sinuosities, the ascents and descents, the shortest route we have across our own territory.

If it is to be attained by this small sum of money, I insist that all who desire the construction of a road across the territory with its feasible extension through the States to answer all the ends of the Government and people of the United States, are bound to sustain the proposition which I have submitted. If this will not effect it upon any line, I say the error is in the estimates which have been made, and in the power of the Texas company to extend its road to the Rio Grande, on which I speak with no more information than everybody else possesses. I do not believe it is possible upon any other route, and it is therefore that I have, even at the expense of being tedious, referred to the exploration of other routes. I say it is not possible with twice or three times the sum to build a road on any other route. I would not have consumed the time of the Senate by referring to these routes and assembling as it were the data on which my former conclusion was based, if I had not believed that intimately connected with it was the proposition I made of a sum

of money the Government can well afford to pay to obtain that railroad service which the Government requires. We have within the year probably expended as much as the whole sum ever to be drawn from the Treasury by this company in transportation to the interior of the United States, and if the present indications of Indian disturbances do not soon pass away, it is probable that in another year we shall expend a like sum for military transportation, and such things are to continue until by means of rapidly approaching them, they shall be intimidated and peace shall be made the guarantee which we derive from the construction of a road which will enable us at any time to approach any portion of our territory.

I had intended to make some more extended remarks on the political relations of the work, and upon the constitutional question which has been involved; but I am physically compelled to abandon the further discussion of the subject. My opinions on subjects kindred to this, expressed on other occasions, and briefly alluded to to-day, will, I hope, satisfy Senators of the constitutional ground upon which I stand; and I trust those who hold with me to strict construction, and to binding the Federal Government by the fetters of the law and the letter of the Constitution, will find that the difference between themselves and me consists rather in the facts on which we found our opinions, and the necessity which I believe to exist for such a communication as this.

Mr. GREEN. Mr President, it was with no intention to interrupt the Senator from Mississippi, that I put a question to him in the course of his remarks.

Mr. DAVIS. Let me say to the Senator from Missouri, that I do not feel in the least aggrieved. I was suffering at the time, and therefore was averse to any interruptions.

Mr. GREEN. I supposed, and for that reason I put the question, that he desired to have his attention called to the points that would institute a fair comparison between the two routes, one of which he favored and the other of which he condemned. I thought he did not do justice to the one and I thought he gave an over-meed of praise to the other. I, however, have no cause of complaint as to his opinions. The Senator from Mississippi knows that the route on the thirty-fifth parallel has never yet been surveyed through. The Senator says, if this road had been made, $10,000,000 might have been saved last year. Suppose his road had been made and you wanted transportation to the army of Colonel Johnston against the Mormons, would it have answered any purpose to save the $10,000,000? Not one solitary

dollar. You would have had to go down to the thirty-second parallel, starting from Gainesville, where they get no supplies unless they are transported by land or water, and from that go over to El Paso through the Llano Estacado, a barren desert waste, as the Senator well knows; yet he says that would be saving $10,000,000 to the government. When they had reached El Paso they would have been a thousand miles from Utah.

Now, if we are making a railroad to meet the wants of the government, let us look at practical things as they are. We want it in a central position. If no road can be constructed that will meet the wants of the government, then I am against any road with government aid, leaving it to individuals to make such as their commercial communications may require. Why, sir, from the information before us, there is a broader expanse of country west of the Colorado that is a barren desert, nothing but drifting sand, in which a man can hardly live when the wind blows anything like a hurricane, on the thirty-second parallel, than on any other as yet surveyed.

Mr. DAVIS. What authority do you rely on?

Mr. GREEN. I rely on the explorations made by Mr. Beale and others, who have crossed through the Colorado, gone over the Mohave, and from that through the mountains of the Coast Range in California.

Mr. DAVIS. That is on the thirty-fifth, is it not? . . .

Mr. GREEN. Well, have we had a second exploration of the thirty-fifth parallel? I may ask, have we had the first exploration of the thirty-fifth parallel?

Mr. DAVIS. I can give you two maps that will show three explorations on the thirty-fifth parallel.

Mr. GREEN. I know that, and perhaps forty on part of the thirty-fifth parallel; but show me one that went through.

Mr. DAVIS. Does the Senator say that from the sink of the Mohave to the Colorado has not been explored?

Mr. GREEN. Not by any report before us.

Mr. DAVIS. It is before you, printed.

Mr. GREEN. Which?

Mr. DAVIS. Lieutenant Parke's.

Mr. GREEN. In the railroad survey?

Mr. DAVIS. Certainly. And Lieutenant Whipple's. The two perfect the report.

Mr. Davis, I will give the Senator the only document he could refer to, Beale's report, and the two maps, to find where he deviated five miles from the line of the road.

Jefferson Davis to James Campbell.[1]

(From Charles F. Gehrmann Esq. lawyer, 41 Wall Street.)

Washington 20 Decr. 1858.

My Dear Sir.

I have read the letter you enclosed to me in yours of the 17th inst. which relates to a subject to which I had previously given my attention. Having fully discussed the whole question with the Secretary of War, I had hoped that due consideration would be given to the claim for rank which your young friend advanced and was not without hope that the proposed reduction of the course would be modified if not abandoned. Having already done all which it would be proper for me voluntarily to attempt, I can only assure you, that should circumstances invite it, I will not fail hereafter to use whatever power I may possess to secure justice to all the parties concerned.

I have not supposed that five years was more than the requisite period, considering the present low standard of acquirement for admission into the academy and if you will carefully read the letter of your correspondent, I think you will agree that he might be benefitted by some further instruction in what is termed, the English studies.

With kindest remembrances, I am

Very truly Yr friend
JEFFN DAVIS

Hon. James Campbell
Phila.

Lewis Campbell to Jefferson Davis.

(From the Library of Congress. Manuscripts Division.)

Keene Jany 4. 1859.

Hon Jefferson Davis
Dear Sir,

You will remember that the Hon. Henry S. Foote, having finished his political career in Mississippi removed, some years since to California and, on his arrival there, announced to the people that he should take no further part in political matters, but should wholly devote his time & talents to the duties of his profession

[1] Congressman from Pennsylvania; minister to Sweden and to the United States of Columbia.

But soon afterwards he joined the Know Knothing party, which came into power in that State and became a prominent candidate for the United States Senate

In the Legislature elected in California there was a large majority of Know Knothings in the house and a majority in the Senate of only *one* The house voted to proceed to the election of United States Senator, but the Senate by *one* majority refused to go into joint ballot the election was postponed and Foote failed to be elected.

He was greatly enraged; threatened that he would stump the State, appeal to the people, and put down the Traitors who had defeated his election

You may be interested to know who it was that had the independence to defeat Foote: it was none other than a New Hampshire Democrat, by the name of *Flint,* whose *heart* was so *hard* and *will* so *stubbern* that he would not vote for Foote, because he believed him to be, what he has since turned out to be, an unprincipled Demagogue unworthy to be trusted by any Party.

M^{r}. Flint was a native of the Town of Swanzey in this County —a town which has voted for every Democratic President from Jefferson to Buchanan He emigrated to California, was elected to the State Senate and deserves to be held in everlasting remembrance for defeating the election of Henry S. Foote

Seeing it stated in the papers that Foote had written a Letter censuring y^{r} political course and commenting severely upon y^{r} late speech at Jackson Miss I have taken the liberty to write you and let you know who is entitled to the credit of keeping the garrulous, windy and wordy Foote out of the United States Senate

I have read the speech referred to (as I have done most of the speeches made by you since you have been in public life) and see but little in it that I cannot subscribe to—Its tone is highly patriotic and the opening & closing parts of it are eminently beautiful and eloquent.

You say "that you love the Flag of yr. Country with even more than a filial affection, that many of the best years of yr. life you have followed the Flag and upheld it on fields where if you had fallen it might have been claimed as yr winding sheet" &c.—

To the truth of this a N. Hampshire man, who was in the bloody battle of Buena Vista and saw you at the head of your gallant Regiment of Mississipians can fully attest—

This is not intended for the public eye. Pardon me for writ-

ing you so much, at length, about a matter in which you may take but little interest

Very truly Yours,
LEWIS CAMPBELL

[Indorsed: Lewis Campbell about Foote in California]

Remarks of Jefferson Davis on the Death of Hon. John A. Quitman. Jan. 5, 1859.

[REVISED BY HIMSELF.]

A message was received from the House of Representatives announcing the death of Hon. JOHN A. QUITMAN, a member of the House of Representatives from the State of Mississippi.

Mr. DAVIS addressed the Senate as follows:

Mr. PRESIDENT: The message which has just been received, sadly recalls to our consideration the loss which not only Congress, but the whole country, has sustained in the death of Hon. JOHN A. QUITMAN—justly described in the resolutions which have been read. During the last session, as a member of the House of Representatives, he was associated with us in the labors of legislation. Much experience in official stations had set upon his brow the crown of wisdom and of public confidence; and his services were becoming, with each revolving year, more valuable to his country. He yet retained enough of physical and intellectual vigor to give promise that his life would be long, and his career of usefulness add much to his country's welfare. A soldier who had so often been spared amid the storms of battle, it was natural to expect would still continue to be the favorite of fortune. He was not the one we should have supposed, in the midst of common danger, would have been selected by the hand of death for its victim. Yet the tide of time, returning hoarse, bears as a wreck on its relentless wave all that was mortal of the hero and statesman. It is not my purpose to attempt, in the language of eulogy, to describe the character, or narrate the services, of the deceased, but briefly, very briefly, to refer to some of the events of his life which connect themselves with the history of the country, and serve to illustrate some of the blessings of the institutions under which we live.

JOHN A. QUITMAN was born in the State of New York, in the year 1799. Carefully educated by a pious father, he was taught, especially, languages to fit him for the holy ministry; but his taste, as he grew up, led him to seek a more active field. He

emigrated to Ohio, and was there admitted to the bar. After a brief residence, about two years, he went on to the State of Mississippi, settled at Natchez in 1822, and there commenced his career as a lawyer. The energy, the activity, the love of popular esteem, which constantly pressed him on to vigorous exertion, brought fame and wealth in their train; brought more than these—the tribute of approbation from his fellow-citizens, and the love of his neighbors throughout his long and eventful life.

My acquaintance with him commenced a short time after his arrival in Mississippi, and I then realized what so many have felt at subsequent periods—the power he had to attach the young to him. I was a school-boy; we read Spanish together; and he impressed me with that peculiar trait in his character which endeared him to youth, and which caused so many manly cheeks to be wet with tears when his death was announced in that country where he was best known.

His career in the profession of the law was one of rapid advancement. He was not only among the first in his profession at the bar where he practiced, but he was soon elevated by the popular judgment to the post of chancellor. He mingled with the arduous labors of the law the pursuits and cares of a planter. He also, prompted by that patriotism which turned him aside from his own avocations to those of general importance, engaged in the public affairs of the State; was a member of the Legislature in both its branches; presiding officer, at one time, of the Senate, and the Governor of our State; thus having, as it were, completed the circle both of political and of legal positions within the limits of the State of which he was a citizen. We thus see a northern youth, thrown off into the extreme portion of the Union from that in which he was born, associated with men not only strangers to him, but without any knowledge of his family, raising him step by step, because of the merit and patriotism which he exhibited, to all the distinctions which it was in their power to confer—a beautiful tribute to the fraternity which binds the American people together, and to the Constitution, which gives equality of privilege and immunity to the citizen of each State who may choose to reside in another. His last political office was that of a member of Congress. It was in that position that he became associated with us here. He was always active, always laborious. He addressed himself to the useful labors of the body of which he was a member. He sought not to render himself conspicuous by frequently appearing in debate, nor by delivering studied orations; but

he addressed himself to the useful labors of the committee-room and the current business of the House of which he was a member.

From my intercourse with members of the House of which he was a member, I feel that I hazard little in saying that he has left behind him the respect even of his political opponents; that all who knew him well, marked in his death the loss of a faithful public servant. Earnest, he pursued his duties with undiminished exertion, though his health was impaired and life was steadily waning away; and thus he continued to devote himself to the constant labors of his position, until, at the close of the session, he left the seat of Government in enfeebled health, returned to his home, and there, in the midst of his family, he died, as a ship that has ridden out many a storm, and at last goes down in the calm of a summer sea. Thus he passed away from earth to eternity, and left a reputation which all who value integrity, patriotism, and usefulness, will not fail to hold up to the rising generation as an object for their emulation.

His taste led him very early to pay attention to military affairs, and connected him with the militia of the State of Mississippi. He was the captain of a company which has maintained its organization down to the present day, and its name still continues in the town of his former residence. He was a general of the militia, and took such special interest in all that advanced it that he is considered, and I think justly, as the father of the present militia system of our State. When the war with Mexico began, the same tendency to military affairs which he had exhibited on another sphere led him to offer his services to the Government. He was appointed a general of volunteers, and joined the army of General Taylor, who, with that discriminating judgment which exhibited itself upon so many occasions, selected him from among those who were at headquarters at Camargo, as one who should accompany the advance column to Monterey. In the siege and storming of that place he was conspicuous; and exhibited, as on after occasions, the martial spirit and aptitude for military affairs of which his previous career gave promise.

Not the least interesting characteristic of the American people is the capacity which has been, in so many instances, manifested to pass from one pursuit to another, so that a single individual treads all the paths of human distinction. The deceased was lawyer, planter, statesman, soldier, and prominently successful in each.

After the siege and capitulation of Monterey, and when, by

the decision of our General Government, the plan of campaign was changed, so that, instead of advancing directly from that point into Mexico, the port of Vera Cruz was adopted as the base of operations, and the main force sent thither, General Quitman was transferred from the command of General Taylor, and passed to that of General Scott. Thus he served in the campaign of the valley of Mexico, gathering distinction as wide as his employment was various. In one expedition he commanded the whole of the land forces. He at last arrived at the city of Mexico, and there established the high military reputation which will descend as a rich inheritance to his family. It was his good fortune to be distinguished in various battles before the city. It was his special fortune to lead the column which first entered the capital, and receive the surrender of the citadel of the place.

Peace, with its blessings, being restored to our country, he, not being a soldier by profession, returned to his former pursuits, and thus remained until he became a member of Congress, and served with us at the other end of the Capitol.

In youth and in age he bore a love of representative liberty, which developed itself in various forms. It was this which led him, when the Texans were struggling to achieve their independence, to go with a company and unite his fortunes with theirs in the darkest hour of their revolutionary trials. His career there was not eventful, circumstances having thrown him out of coöperation with that army which fought the main battle and achieved the independence of Texas. It is an instance, however, of his readiness to sacrifice his own ease and interest for a cause which he believed to demand his exertions; and thus, I think, his services have been gratefully remembered by the people of Texas.

In after years, when we believed, and had reason to believe, that a people oppressed by despotism were struggling to be free in Cuba, he connected himself with movements which were designed to aid them in their effort. He has himself explained, far better than I could, his views in relation to such conduct, by the able speech which he made in the House of Representatives on the neutrality laws. To those who may not agree with him in his conclusions, to those who may dissent from him in the opinions which he entertained, and upon which, to some extent, he acted, I have only to say that to us, at least, it is a sufficient apology that whatever error existed arose from an excess of that love for representative liberty which the American education strongly inculcates. We have been reared from our infancy to turn to the names of De Kalb and Kosciusko, and Pulaski and

La Fayette, with grateful veneration—men who left their country to join our fathers when they bore the name of rebels, and whose swords were weighed in the balance when their fate and our inheritance was decided. I have said it was not my purpose to speak in the language of eulogium, or attempt to give a history of the deceased; and with this brief allusion to that which may be in some minds the subject of criticism, I leave the subject.

In politics he belonged to what is known as the State-rights strict-construction school. He followed it in the various phases and names which it has borne. Mr. Calhoun was the light and guide of his youth; and when he occupied a seat in the House of Representatives he endeavored—I leave others to say if he did not successfully endeavor—to follow in the path of that great political luminary. I will not, upon an occasion like this, attempt to defend—of course it is not expected that I should attempt to justify—the creed which he entertained, and which is also my own; I allude to it because it is part of the public history of the deceased, as a logical deduction from the character ascribed to him. Suffice it to say, that he was of those who believed that all power emanated from, and permanently resided in, the people; who held that government existed alone by the consent of those over whom it was established; that compacts for the delegation of functions must be rigidly construed to entitle them to popular respect; and that, within this limit, a people who enter into an obligation are bound to adhere to it to the last jot and tittle. Out of these elements was wrought the political creed which he always avowed, and which I have ascribed to him.

Duty to his country marked his career, both military and civil. Duty! The word which, in the American as in the English character, always occupies the first position in the history of those who have most honored their country. We are not a people captivated by splendor; whom the mantle of glory dazzles so as to blind us to the obligations imposed upon States and individuals, and even covers failure of duty. Ours, I trust, is long to remain a Government of justice and a people among whom success cannot redeem crime; from whom even a general who would violate the Constitution under which he held his commission could not receive an ovation, though he brought with him, from a triumphant campaign, the representatives of twenty conquered provinces. Duty! the great watchword of an American statesman, the regard for which is the first prerequisite of those who hold official trusts under our form of government, whether their functions be legislative, judicial, or executive. In

this devotion to duty, as I have before suggested, he passed the last days of his life, and fell a victim to it: sadly impressing us with the fact that—

"The paths of glory lead but to the grave."

Faithful to his country, endeared to his friends, respected by his neighbors, language fails me to express the tender and exemplary relation which he bore to his family. He closed a long life of public usefulness, having impressed upon those who knew him best the conviction that every day made him but more and more necessary, not to his family only, but to his country also. His mission was closed, and life's fitful fever was ended, on the 17th of July, 1858. He died leaving behind him that good name without which "glory is but a tavern song."

Speech of Jefferson Davis on French Spoliations. Jan. 7 and 10, 1859.

[REVISED BY HIMSELF.]

The Senate having under consideration the bill to provide for the ascertainment and satisfaction of claims of American citizens for spoliations committed by the French prior to the 31st of July, 1801, the question being on ordering the bill to be engrossed for a third reading—

Mr. DAVIS said: I regret very much, Mr. President, that it devolves upon me to state the objections to this bill. I had hoped that some one, not only more competent from his greater knowledge of the subject, but from his physical ability better fitted for the task, would have undertaken it. Looking upon it as an important public measure, as involving questions the importance of which is greatly beyond a single case presented, I feel constrained, however reluctantly, to say something upon it before it passes to a third reading.

The bill proposes to provide for the ascertainment and satisfaction of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801. It is a case which has been long before Congress. It is one which was considered by the men who were contemporaneous with the transaction. It has been from that time to this, pressed in one House or the other; and from the amount of energy which has been shown in its prosecution, it is fair to suppose it is not simply the interest of those segregated individuals who may have been

wronged by France, or their descendants, which has been the object of such care. Never, however, during the whole course of the many years in which it has been pressed upon the attention of Congress, has it received the favorable action of both Houses, except upon two occasions, and then it met the Executive veto. It comes before us now after those have passed away who were fully cognizant of the facts; after the men have gone to their final reckoning who suffered by spoliations; after the witnesses who could have brought to us any new evidence have been silenced by death; and under these circumstances we are called upon to sit in judgment on that which others better qualified have decided, and to grant the favorable action which their wisdom and justice withheld.

Feeling that I shall be unable to enter at large into the subject, and yet that it is necessary somewhat to notice the history which is involved in the case, I will now proceed to state some of the facts which lead me to the conclusion to be thereafter presented to the Senate.

It will be collected that, when the colonies declared their independence, and, as a feeble confederation, the people of our United States were struggling against the great military and maritime Power of the globe, we received friendly assistance from France; she came to us in the hour of our need; her gallant sons entered our service as volunteers; her navy guarded our coast, and rendered most efficient and valuable service. Indeed, it may be well doubted whether, but for the service they rendered then and there, we could have achieved our independence. It might have been postponed to subsequent generations, when "freedom's battle once begun" had been fought again and again, until at last it would have been won.

These relations to France caused us, as early as 1778, to enter into treaties of amity, commerce, and alliance, giving peculiar privileges to the vessels of the two nations, both in relation to their ports and to their commerce. Among the provisions of this treaty and convention was one which gave the right to a vessel of either nation to enter the ports of the other, and there have its prizes condemned and sold; and another which established the commercial rule that free ships make free goods. With this treaty and convention we went through the war of the Revolution, and achieved our independence. In 1792-93, when the Republic of France was engaged in war with Great Britain, and the monarchical Powers of Europe were all sympathizing with Great Britain in the contest, when it was the policy to starve out France and compel her to submission by the want of bread,

Great Britain, disregarding the rights of neutrals, declared provisions contraband, though they were *en route* to a port not blockaded, seized our vessels upon the high seas, took them into her ports, there condemned them as having contraband goods on board, or, as was usually the case, to encourage the continuance of a trade advantageous to her, purchased the cargoes for her own use. Thus, the provisions which were shipped from the United States for the benefit of France, were seized upon the high seas by her great maritime foe, turned aside from their destination, converted to the use of her most hated and dreaded rival, and their being liberally paid for, caused so little complaint on the part of the shippers of the United States, that it came to pass that the French people looked upon us as acting in collusion with Great Britain.

Many difficulties arose from the execution of that article of the convention which allowed the French to condemn and sell their prizes, and to fit out their privateers in our ports. Constant dissatisfaction followed; complaints so grave arose as to threaten the continuance of our peaceful relations, and led to the proclamation of President Washington, wise on that as he showed himself on other occasions, declaring the neutrality of the United States towards the belligerent Powers of Europe. He looked, and, when now retrospectively viewed, it appears to me, looked fairly and justly, upon the convention made with France as a defensive alliance, which did not apply to the position of offense which France had assumed towards Great Britain. France, however, continued to complain of the conduct of the United States in this regard, as well as in the failure to furnish subsidies and supplies to her West India possessions; for it will be remembered that, among other things, France had guarantied the liberty, sovereignty, and territorial possessions of the United States; and the United States had, in turn, guarantied the possessions of France in the West Indies.

To countervail the effect which the acts of Great Britain had to render the treaties of 1778 and 1788 disadvantageous to France, France being bound by treaty to allow our vessels to sail with any supplies they might please to transport to the ports of Great Britain, while Great Britain, free from such obligation, seized them on the high seas, declaring supplies to France to be contraband of war. It followed that France, by a decree, ordered that merchant vessels upon the high seas should be treated by the armed vessels of France in like manner as the countries to which they belonged permitted Great Britain to treat them. Thus we ceased to enjoy the privileges secured by treaties, and

to which circumstances had given an immeasurable value, that of carrying supplies during the general war of Europe to the ports of the belligerents. Our just expectations from France were violated by the infraction of that clause of the treaty which declared that free ships made free goods. It is an interesting fact to which we may refer with pride, that in the history of nations, then for the first time did two great civilized Powers establish that rule which has now become the maritime policy, if not the national law of the world.

From this decree of France, followed captures, confiscations, an embargo, detentions, arrests of individuals; against which the United States continued to complain and remonstrate; complain of the injuries received, and remonstrate against the violation of the treaty; until at last, after indignity had been added to injury; after our Minister had been rudely rejected; after a commission of three distinguished individuals, sent to France to compose the difficulties with our ancient ally, had been offensively repulsed; President Adams assembled the Congress in extraordinary session, and addressed a message to them, in which, with marked indignation, he spoke of the conduct of France towards the United States, and of the sufferings of our citizens, from the violation of the treaty between the two countries. Then our course towards France was changed. Anterior to that, it had been one of toleration. Hitherto, our only efforts had been to reconcile existing difficulties; for that purpose we sent our ablest men to argue with her in the cause of fraternity; we were willing to yield much, because of grateful reminiscences; but now we assumed that hostile demonstration was our only resort, and thenceforth our course was one of force.

In 1798, the year succeeding the one in which President Adams sent in that message, we passed various laws: one for the employment of the Navy in the capture of the armed vessels of France, then hovering upon our coast and depredating upon our commerce; another, declaring commercial non-intercourse between the United States and France; another, authorizing the President to commission private vessels—in other words, to grant letters of marque and reprisal against France. It is well known that, during her war with Great Britain, France had, upon the sea, comparatively nothing but armed vessels, and that they were employed in committing outrages upon the commerce of the United States. Therefore it was, that the act was directed towards the seizure of the armed vessels of France. Another act provided for the condemnation and sale as prizes of any armed vessels of France which might be captured; and, as my

memory serves me, about eighty were taken during the progress of that year and the next. As a final step, the United States declared the treaties of 1778 and 1788 to be abrogated.

It is now urged upon the Senate that, to get rid of the obligations of those treaties, the United States took private property to relieve themselves from the obligations of those treaties; were thus exempted from onerous duties to France; and having taken private property for public use, are bound, under the Constitution, to make just compensation therefor. To this I reply, we had sought indemnity by all the power of negotiation; had exhausted it, even to the extent of an extraordinary commission; had then resorted to hostilities; had carried on a maritime war against France, in which millions of treasure were spent, and much of blood was shed, and the highest authority of the land had declared the treaties to be abrogated. How, then, can it be asserted that we were giving up private property to get rid of the obligations which these treaties imposed? They were entirely swept from the statute-book, had passed away through a state of war, and must have been revived by the treaty-making power of this Government, in order to have acquired a renewed existence.

The VICE PRESIDENT. The Senator will pause. It is the duty of the Chair to call up the unfinished business of yesterday, at this hour.

[The Senate decided to continue the consideration of the bill, but, on account of the indisposition of the speaker, postponed it to a subsequent day.]

MONDAY, *January* 10, 1859.

The Senate resumed the consideration of the bill, and Mr. DAVIS continued:

Mr. President: When, by the courtesy of the Senate at its last sitting, the bill then under consideration was postponed to a subsequent day, I had but a few remarks to add to those which I had already submitted, being then, as now, unable to go into the question at length. The only requital I can make to the Senate for the courtesy exhibited in postponing the question on account of my physical condition, is to abridge, as far as consistent, my remarks on the present occasion.

I was, at the moment the debate was arrested, presenting the point that the treaties which were claimed to be the consideration for which the United States had surrendered private claims, had expired, were of no binding force, and, unless revived, could not constitute a claim against the United States.

I had already stated that those treaties had been broken by the act of France. In 1793, France being then involved in war with Great Britain particularly, and the continental Powers generally, violated her treaty of amity and commerce with the United States, by seizing our vessels on the high seas, by detaining them in her ports, and by confiscating their cargoes. They were led to this, not by any act of the United States, but by the fact that the treaty which bound France to allow American vessels to sail with all articles not contraband of war, even to an enemy's port, operated injuriously against France; because Great Britain choosing to proclaim provisions contraband of war, seized all vessels so freighted and bound to French ports, and thus the treaty with the United States, under the action of Great Britain, operated disadvantageously to France.

Having violated the treaty in its provisions, and, as was believed by the most eminent men of our country at that time, having violated the law of nations, our citizens who were sufferers by the aggressions of France, sought redress from that Government: and, having exhausted all the means within their power, invoked the aid of the United States Government. The Secretary of State informed them that all claims which should be well authenticated would receive the attention of the Government of the United States: and that letter of the Secretary of State has since been brought forward to support these claims, and treated as a proposition on the part of the Secretary of State that the commerce being advantageous to the United States, should continue to be prosecuted with full vigor for the benefit of our country; but I esteem it, on the other hand, nothing but a declaration of that functionary that citizens of the United States should receive such protection as our Government could give. If I am correct, this clearly created no obligation on the United States to indemnify for loss sustained in the prosecution of such commerce. Our Government, then, in the performance of an ordinary duty, intervened for the protection of its citizens; sought by every means within its power to obtain an allowance of the claims; continued to prosecute them, and to press them so vigorously as finally to lead to insult and outrage on the part of France by the rejection of our Minister, and the refusal to receive a special commission subsequently sent there.

Having failed in all amicable attempts to procure justice for our citizens who had suffered by the wrongs of France, this Government was compelled to resort to force. The Congress of the United States—the war-making power of our Government—put the Navy in full commission, provided for its increase, and

authorized the President to use the Navy against the armed vessels of France. Not only did they thus employ the military power of the Government to make war on the armed vessels of France; they did more: they called out the patriotic citizens of the country, and granted commissions to private vessels to cruise against the armed vessels of France. Thus the military arm of the Government, and the volunteer citizens of the country, were brought into war with France—war upon the sea, it is true; a partial war; but war by the authority of Congress, not by Executive act, as has been so often alleged.

But it is said, "this was not war; if it had been war, all the citizens of one country would have been at hostility with all the citizens of the other; and this was not the fact." It is also said, that if it had been war, it could only have been terminated by a treaty of peace. I grant it was not a general war; that it was not a declaration of war against France; but it was legislative authority to make war upon the armed vessels of France; and this war was carried on with many battles, victories, and defeats; prisoners were taken and held, and cartels were offered for the exchange of prisoners. Is this a state of peace? If this be peace, what would be war? Millions of treasure were spent; citizens of every character were involved in conflict; blood was shed; captures were made; prizes were sold under authority of special legislation by the United States; and still we are told that we were in a state of peace! War is not necessarily both on the sea and land; neither is there any form prescribed in which our Government shall declare war against a foreign Power. For example: when, by the invasion of our territory on the Rio Grande, it was deemed necessary to wage war against Mexico, it was done as an act of defense. We did not then formally declare war. Congress passed a law asserting that war existed by the act of Mexico, and provided men and money to prosecute the war. In the case before us, Congress declared that the depredations of France must be repelled by force; and they gave men and money for that purpose.

The cases are nearly parallel, the main difference being that one was a war on sea, and the other was a war wholly on land—characteristics which resulted from their own peculiar circumstances. France did not choose to invade the United States. She had not the power then to do so, involved, as she was, in the general war with Europe. The United States did not wish to invade the territory of France. The aggression received was upon sea, and on the sea she went to repel it. In the case of Mexico, the aggression was upon the land; and upon the land it

was repelled. Mexico had no navy; therefore we had no battle on sea. In the one case the combats were entirely on the sea; in the other on the land. In neither case was there the ordinary form of a declaration of war; but in each case a legislative act which recognized aggression and provided for its redress.

But I am to be told, no doubt, as we have been told often before, that the negotiations of 1800 were conducted on the basis of peace. It is true; but why were they conducted on the basis of peace? The United States, specially regardful of the claims of her citizens who had suffered depredations, did not choose to hazard them by putting their negotiation on the basis of war. If treated as a case of war, the claims must have been necessarily abandoned. France, on the other hand, anxious to revive the treaties of 1778 and 1788, did not choose to put negotiations on the basis of war; for, if they acknowledged the existence of war, they admitted the extinction of the treaties, and their claim to the obligations incurred by the United States under them fell as a consequence of that admission. Thus, the negotiators on both sides were willing, on the basis of peace, to proceed to the new negotiations of 1800. They thus conducted them. Language was used which would justify the assertion which has been made, and may be made again, that peace existed; but after negotiation was at an end, when diplomacy had exhausted itself, when all diplomatic subterfuges were no longer of value, they used a different language; then we were informed by the French ministers negotiating with our *commissioners*, that it was a state of war, and consequently that there was no claim to indemnity. As this is considered the main point in the case, I refer to the authority. In the journal of the proceedings of the commissioners, September 12, 1800, (State Papers, vol. 2, Foreign Relations, page 337,) may be found the following language. After referring to the discussion in relation to the guarantees, indemnities, &c., in connection with modified terms on which the United States would renew the treaties, the journal proceeds:

"The conversation on this subject closed by a declaration of the president of the French commission, that such a modification could not be acceded to without new instructions; that they had no power to assent to such a stipulation; but that, if the Government should think proper to instruct them to make a treaty on the basis of indemnities, and a modified renewal of the old treaties, he would resign sooner than sign such a treaty; adding, that if the question could be determined by an indifferent nation, he was satisfied such a tribunal would say, that the present state of

things was war on the side of America, and that no indemnities could be claimed. The other two commissioners made similar declarations."

Our own commissioners, on the 13th September, communicating an account of the negotiation to their Government, said:

"The American ministers being now convinced that the door was perfectly closed against all hope of obtaining indemnities, with any modification of the treaties, it only remained to be determined whether, under all the circumstances, it would not be expedient to attempt a temporary arrangement which would extricate the United States from the war, or that peculiar state of hostility in which they are at present involved, save the immense property of our citizens now depending before the council of prizes, and secure, as far as possible, our commerce against the abuses of capture during the present war."

This is the language used after all the terms of diplomacy had ceased to have value—after they had reached the point of a conclusive issue. The French ministers asserting that the old treaties must be revived, without modification, as the condition on which indemnity would be made; and the American ministers insisting that full indemnity should be granted to our citizens; but the treaties could only be renewed after modification. The American ministers being instructed not to revive the abrogated treaties, proposed to make modifications of the old treaties, and thus sought to secure indemnity. Finding that it was useless further to argue on the basis of peace, the French negotiators peremptorily say, "we will not negotiate on the basis which is offered, because war has swept away your claim to indemnity;" and our ministers admit the fiction which had been employed, by stating that they now determined to get rid of the injuries which would result from the continuance of war. This was the plain language which was used after diplomacy had exhausted all its arts.

But, Mr. President, I do not hold that the question turns on this point, though it has been so argued, and therefore I have thought proper so to notice it. This Government had a right, I say, to abrogate those treaties; they had a right to consider them as destroyed, because they had been broken by the opposite party. A compact broken on one side is entirely broken. It rests then with the party who has suffered from the breach by the other, to permit the compact to continue, or to annul it at its pleasure. France, by many violations of their provisions, had

broken the treaties; and there is a strange anachronism in the argument which is presented, that the outrages of France resulted from the wrong perpetrated by the United States in their negotiation with Great Britain. Those outrages were committed in 1793, before the Jay treaty (which is made the basis of complaint) was negotiated. That treaty was negotiated in 1794, and one of the complaints of France was, that it was not promptly promulgated. It was negotiated a year after the outrages were committed, but not promulgated until some time in 1796. This shows how utterly fallacious it is to put the outrages committed by France upon the ground of a first violation of the treaty by the United States in their negotiation with Great Britain. There has been a strange mutation in the relation of parties, too. That party to which my friends and I have succeeded, the old Democratic party, were not the advocates of the Jay treaty. They considered that treaty as a violation of good faith to France. It was odious in this country, the Administration was slow in promulgating it; and but for the outrages committed by France, I think it more than doubtful whether the Jay treaty ever would have been ratified. Alienation occurred from the wrongs which France had committed to our commerce, and the injuries she had inflicted on our citizens, and that feeling sustained the treaty, and, probably, led to its ratification. I say that it does not devolve on me to defend the Jay treaty; but how stands it with the other side? The successors of the party who advocated that treaty now bring it forward to put their own Government in the wrong, and to show that France was right.

Our Government, proceeding upon the basis which I have stated, in the preamble to the act which declared the abrogation of the treaty, spoke of it as broken by France, and then proceeded to declare it abrogated. Now, it is urged that one party to a contract cannot abrogate it without the consent of the other. How is a treaty ever to be terminated? We have had before us at this session, and probably shall soon have again, the question of abrogating the Clayton-Bulwer treaty, as it is termed. If the construction which Great Britain places upon that treaty is found highly beneficial to her and injurious to us; if we, as I think we may justly, claim that she has violated the spirit of that treaty, and if she continue to violate it to our injury, are we to wait for her consent to declare it abrogated? Is there no right on the part of the United States, when a treaty has been violated in its letter and in its spirit, to declare it at an end, and to take the consequences? It seems to me that any

other theory binds our Government perpetually to a contract which, being violated or disregarded, may be injurious to all its interests, and degrading to its honor. Contracts fairly made and faithfully adhered to, should bind Governments as they bind individuals. Contracts disregarded on one side may, I say, be repealed on the other, or abrogated at its pleasure, where the parties being sovereign have no controlling umpire. Hence arose the right of the United States to abrogate those treaties; and when our commissioners met in 1800, they did so with a perfect understanding, as their correspondence and instructions show, that those treaties were extinct, and that they had no authority to revive them. Therefore, every proposition made by France to recognize all claims for indemnity on the basis of those treaties, was necessarily rejected; and although the convention of 1800, by its second article, provided at some convenient time for considering the question of indemnities and of the renewal of those treaties, that provision was stricken out by the Senate. The commissioners had neither instructions nor authority to treat upon the basis of the revival of those treaties, and they were so odious in the United States that the Senate would not entertain the proposition of their revival. In striking out the second article, they substituted for "a convenient time" a specific period, a term of eight years.

Now, I ask, how can it be fairly, intelligently urged, that by striking out the second article of the treaty, we abandoned any claim of an American citizen? Did that article provide for the payment of any claim? It did not. It only provided for the consideration of the question of the indemnities and the abrogated treaties at a *convenient time.* What indemnities would have been paid is merely hypothetical. Whether they referred merely to private claims, or to national claims also, is more than doubtful; but we find by Mr. Madison's instructions that while national claims might be waived in their negotiations, private claims could not be.

The VICE PRESIDENT. Will the Senator be good enough to pause for a moment? The Chair must call up the special order at this hour.

Mr. STUART. I move to postpone the special order, that the Senator may continue his remarks.

The motion was agreed to.

Mr. DAVIS. In the convention of 1800, it will also be remarked that other articles provided for claims of the United States. It is further to be remembered that, so far from considering the rejection of the second article as the abandonment

of claims not provided for in that convention, in the very next year the President, in his message to Congress, speaks of the opportunity which is presented by the return of peace in Europe as one which strengthens "the hope that wrongs committed on unoffending friends under a pressure of circumstances, will now be reviewed with candor, and will be considered as founding just claims of retribution for the past, and new assurances for the future;" thus opening the very case which, in the argument that has so often been offered for these claims, has been said to have been closed by striking out the second article of the treaty.

Further, we find these claims constantly prosecuted by our ministers abroad, and our Secretary of State at home, until in 1803, when, in a new convention, those claims were further provided for. Thus is answered the argument that the Government had, in 1800, taken private property for public use, by the release of France from liability to the claimants.

Now, sir, I ask, even if it were granted that a release had been made, what is the value of that release? Suppose our Government had abandoned the prosecution of the claims, had given an acquittal, what would have been the loss to the claimants? Was anything paid of those claims which were allowed by the convention of 1800? Not a dollar. They remained as they were left by that convention, until the new convention or treaty of 1803, when the United States agreed to pay for Louisiana a certain sum of money, retaining a portion of that sum to liquidate the claims of citizens of the United States; and it appears as a fact, although not known to our commissioners, that we paid France more than the whole sum which was reserved, over and above the price which her ministers were instructed to take for the territory.

Then, again, in the convention of 1803, (as proof that neither party considered that we had abandoned the claims of private citizens,) the preamble expresses the desire, in compliance with articles two and five of the convention of 1800, to provide for the claims of American citizens. If the rejection of article two was a surrender on the part of the United States of all claims to which it referred, how could the commissioners say, in 1803, that their desire was to provide for the claims embraced in that article? Yet such is the language of the preamble; and then, in articles three and five of the convention of 1803, provision is made to secure the sums due to citizens, including cases not mentioned in the convention of 1800. This, Mr. Madison noticed particularly, lest the variation of language should be considered as pretermitting any of the claims; and his instructions were to

press the claims of citizens, giving priority to those of greatest merit, but that nothing should be considered as a waiver of the rightful claims of our citizens, or be regarded as an assumption by the United States of any of those claims over and above the sum which has been reserved in the convention for the purchase of Louisiana.

We find it thus continued to 1800, and from 1800 to 1803, and, after 1803, in 1804 the question was revived again and discussed; but never has the position been taken and maintained that the United States had abandoned the rights of its citizens. There was one class of claims which France never would recognize; they were those set up for property belonging to foreigners and carried in American vessels, or belonging to Americans and carried in foreign bottoms. That is the class of claims which never was admitted by France, but earnestly contended for by the United States. These were claims recognized as growing out of our treaties, but denied as not being within the law of nations, and, therefore, dependent upon the revival or continued existence of the treaties.

Then the question is: was there ever anything surrendered by the United States which it was possible to obtain from France? Did she, in either of her conventions, admit that a single claim of citizens of the United States was considered thenceforth to be of no obligation on the part of France? On the contrary, not only did we provide, become paymasters ourselves of claims of American citizens, but it was further provided that any claim not admitted by the United States should still be cognizable by the courts of France, as subject to be paid by her, though disallowed by the United States. I think, in the whole history of our negotiations, there has never been a case where private claims have been so successfully and so energetically prosecuted as those which grew out of the spoliations of France.

Then, Mr. President, to go one step further. What was the value of those claims as against France? I know they have been magnified of late, or attempted to be magnified, by showing what was the value of the treaties. Denying wholly that we were released from the treaties by any surrender of private claims, I refer to the failures of Americans to get anything from France; the refusal of France to pay anything, even the claims admitted under the convention of 1800; and come down to the point where the sum was estimated by the men who were then upon the ground, and most familiar with the facts, you will find that France asserted both her unwillingness and her inability to pay any indemnities whatever. You find, too, that Mr. Skip-

with, who had examined the subject profoundly, estimated that 20,000,000 livres reserved from the sum to be paid in the purchase of Louisiana from France, would be fully equal to all the just claims of creditors who were citizens of the United States. It may have proved otherwise; but this was the estimate of Mr. Skipwith, whose opinion was considered so valuable that Mr. Livingston, in his correspondence with Mr. Madison, communicated it to him. If there be any desire that I should read those statements, I will do so; otherwise I will pass on. We find, also, that Mr. Livingston noticed the fact that the creditors of other nations then prosecuting their claims before France had not received, and were not likely to receive anything; the citizens of the United States would have been in the same condition, but for the intervention of their Government.

If, then, the claims were not abandoned; if no release from the treaties was purchased; if our Government has faithfully observed all its duty to its citizens; if it has derived no benefit where those citizens have failed to get what was due to them; on what rests the foundation for that pretension, which is now set up, that we are justly bound to remunerate them as citizens whose private property has been taken for public use? I will admit that we could at any time have obtained a full recognition of these claims; could have obtained the obligation of France to indemnify our citizens for all their losses, if we had been willing to pay the price of renewing the treaties of 1778 and 1788; treaties which had been abrogated, swept from the statute-book, buried in the long career of hostilities which ensued, and which constituted, neither in 1800, nor at any subsequent period, an obligation on the United States.

Hurrying through the case, Mr. President, as I am compelled to do, I would ask whence the discrimination made in the present bill? Why do we provide for one class of cases not included in any previous treaty, and exclude all cases included in those treaties, and for which payment has not been made? Mr. Madison's instructions were to give priority to the best class of claims. Why now do you select a class of cases to which priority was not formerly given, and make them the favorites in this bill. My view would be otherwise. If I were disposed to provide for the payment of the claims at all, I would throw the door wide open to all claimants coming under the head of those despoiled by France; all who suffered and have not been indemnified should be permitted equally to come forward with their proofs, and if they belong to the better class of cases, the claimants who suffered by force on sea, or by confiscation of their property

entering a port of France with good papers, they, above all others, should be paid; and those who traded with and became partners of British subjects, and thus involved themselves in the exclusion by France, should be the last class of cases for which I would provide.

We are told also, Mr. President, of the evidence which is presented in the action of Congress by its committees. Appended to the report of the present committee, I find one made a number of years ago, in which the reports of the various committees who had considered this subject up to that time are grouped to show how many of them were favorable, and how few were adverse. In looking over this list, however, it is found that a large number of these are reports from select committees. A report from a select committee is that of the member who moves the committee, and is, almost uniformly so, generally favorable. How is it in the present case? A select committee was raised to investigate the claims of the American citizens for losses suffered by French spoliation prior to 1801. The chairman of that select committee, being the mover of the committee, makes the report. The minority of the committee, of whom I was one—the Senator from Virginia, who has heretofore reported on this subject, [Mr. HUNTER,] was another—agreed that the report should be made in the present form, not expressing the opinion of the committee, but presenting a report which should contain two reports favorable and two adverse, so that the views heretofore taken of the subject might be laid before the Senate. That is the extent to which the committee went in making the present report; probably hereafter this report will be exhibited as the opinion of the Senate, or of the select committee in 1859, in favor of these claims.

Omitting the select committees, and enumerating the standing committees to whom these claims have been referred, I find there are thirteen favorable and five adverse. Of the thirteen I find one man made three, another man made three, and another man made four—a total of six persons making the thirteen favorable reports. Of the adverse reports there is a different man for every report. The consequence is, that it stands five making unfavorable reports to six making favorable. Then, tried in another manner, of the six persons who have made favorable reports, three of them were from the State of Massachusetts; of the five persons who made adverse reports, all were from different States; so that it stands compared, State against State, four favorable and five adverse. Since this list was made, the

Senator from Virginia to whom I have already alluded, whose ability and purity of character are known to us all, has made an unfavorable report, and this is one of the unfavorable reports not noticed in the debate; for it is constantly stated that no adverse report has been made since the report of the Secretary of State in 1826.

There is, also, something strange in the prepared, stereotyped information which members of Congress receive, in relation to these claims. Speeches handsomely covered, long statements ably gotten up, are constantly furnished to Senators through the mail. What becomes of the adverse reports, and where are the speeches against these claims? Having very great respect for the wisdom and for the laborious investigations of Senator Wright, of New York, now deceased, I desired to obtain his speech. A friend procured one for me, after a search of two days.

Among the adverse reports incorporated in the report of the present select committee, is one from Mr. Forsyth, a man of enlarged experience; whose services abroad had given him special means of information; whose elevated tone and manly character rendered it impossible that he would endeavor to skulk from either a personal or public obligation. Let us see, in his report, how he treats the presentation of the arguments made then, and since, in this case. I will read only a passage:

"This Government never received from France any equivalent for the claims of Americans upon France. The war of aggression was commenced by France, and every act of the United States was a just retaliation for previous injury. The treaties with France were annulled by an act of Congress, in 1778, in consequence of the utter disregard of the stipulations of them by that Power.

"In short, to justify their claims upon the United States, the petitioners assume that France was right, and their own Government wrong; that France was prepared to make a just reparation for the outrages committed under her own laws until her release from her obligations by the United States, who were faithless to their trust, in the first instance, and have been regardless of the obligations of justice ever since—assumptions not consistent with truth, nor creditable to the patriotism of those who make them. The committee recommend to the House to adopt the following resolutions:

"*Resolved*, That the petition of the several persons who ask indemnity for spoliations committed by French cruisers on their property between the years 1793 and 1800, be rejected."

There is a historical relation which this subject bears both to our national pride and filial sentiment. It is now presented as a case in which our fathers seized private property and failed to make compensation, transferring to posterity obligations of justice and good faith. Is it true? Were they so forgetful of the obligations of the Government? Were they so recreant to the instincts of honor and of manhood? The record proves they were not. They exhausted all their power, diplomatic and military, in the advocacy of these claims; they did all that could be required of them, even to the extent of becoming paymaster for the admitted claims when they purchased a territory from France, and continued to prosecute such as had not been provided for, even at a subsequent date. Witness the demands made, not against France only, but also against Spain. If this be a claim of justice and of honor, then our fathers were wanting in both. If it be such, I am willing to meet it, and to pay whatever can be shown to be due; but I hold that it is a severe arraignment to say that all the efforts of that long negotiation neglected what honor and justice demanded, that such claims were put in the lowest class of cases, as it is now a constitutional duty to assume. Guarded as our negotiations were, by the constant declaration that we made no waiver of the obligations of France, that we made no assumption on the part of the United States, how can it be that justice requires us to make that assumption now? I well remember that a Senator, thirty years a member of this body, serving with me on one of its committees, told me, in relation to my opposition to a particular claim, "it is needless; you may reject it now, but it will come again and again; and old claims at last always pass." It remains to be seen whether this is to be an evidence of the wisdom of that Senator, or not.

I plead no statute of limitation. If the money ever was due, I grant it is due now. I plead no inability of the United States to meet the obligation. If it be a debt, let us discharge it, if need be, by direct taxation. I take no advantage of the present condition of the Treasury. I am willing to rest the question simply on the inquiry, whether the Government has incurred the asserted obligation to its citizens? At the same time, I am not willing that importunity or sympathy towards individuals shall blind us to our obligations to the history of our fathers, to the fair fame of our Government, to the past, the present, and the future. The present, sir, is full of hazard from such claims, heretofore rejected, but promptly to be revived upon a precedent like this—claims for every species of loss which the Government

could not prevent—and for which indemnity has vainly been sought. Shall they all be sent to the Treasury, there to be remunerated? In the future, whatever hazards an individual may choose to encounter, either in peace or in war, if he shall thereby acquire a claim against some foreign Government, and the United States shall perform its obligation to prosecute that claim, but fail to get remuneration, on the principle which would justify this bill, such claim is to be regarded as a debt due by the United States. If an unkind Providence were to convert our fertile soil into a plain of gold, it would not pay the claims which might arise from such a precedent. We cannot consent to become the guarantors of the hazards which merchants may choose to take when they go upon the high seas, and engage in foreign trade. They take the risk because of the large profits; and insurance companies fix their rate of interest according to the hazard which is to be encountered. The "legal representatives" spoken of in this bill, I suppose, are, in very many cases, the insurers of the cargoes which were lost.

But why limit it to merchants? Were no others sufferers by these irregularities or hostilities of France? It will be remembered that at that time Europe was engaged in a general war. The United States was the great store-house of provisions. Our prosperity was promoted; our industrial development was extraordinary, under the profits derived from the demand which was created for our agricultural products. It was this which stimulated the activity of our merchants. Did not the farmer suffer also by the check which commerce received? Did not the mechanic on shore suffer as the merchant and sailor on sea? If we begin upon this principle of indemnifying all losses sustained, where is it to stop? Not with the single individual whose vessel was seized or whose cargo was taken, but it is to go on ramifying until it includes every citizen of the United States.

There is another view in relation to this bill, which I deem it proper to present. If this be a claim demanded by justice and law; and if it be a case in which we are to make remuneration for private property taken for public use, whence is the right to scale the sums found to be due? We are bound under such circumstances to pay the full sum awarded; we have no right to reduce it. If, on the other hand, we are proceeding under a liberal and equitable view, then some of the best cases, I expect, will be found to be those having the most imperfect proof. By the present plan you array a body of claimants to contest every case by technicality and special requirements, and to defeat that which the equity or liberality of Congress might grant if it were

presented individually. I believe there are exceptional cases; that there are cases contemplated in the conventions of 1800 and of 1803, where, from the ignorance or the isolation of the party, the claim was not presented, or where, from the fact of the papers having been destroyed by the French cruisers, when they captured the vessels, it became impossible to present the adequate proof. In such cases the parties have some equitable claim upon the United States; not on account of the abandonment of their case; not because their right was appropriated by our Government to its own use; but by the manner in which our duties as paymaster were performed. I believe I have met one such case; the claim, as described, seemed to be a good one; but if it be ever so good, it is excluded by the terms of the present bill. His case is one which came under the convention of 1800, and was of the most favored classes, being one of those cases where the captain of a merchantman sailed with perfect papers to a French port, there lost his cargo, and subsequently his vessel, by the acts of France. Whether the nonpayment resulted from the claimant's ignorance of the place and manner in which it should be presented, or from his inability to procure the perfect proof, I am not able to say. He laid his case before me; he was an old man, and remembered well the event; was reduced to poverty by that spoliation; his life had been spent in toil upon his farm—and, as I heard it, it seemed to be a case in which equity clearly justified relief. If indemnity be proper in any case, we surely should not exclude such cases as that.

I will only say, in conclusion, having already occupied more time than I intended, that I do not hold our Government censurable, in any aspect of the case; I do not consider it in any manner responsible. I believe those who then administered it discharged all their duty; that they relieved themselves of all responsibility. They received no consideration for the surrender of the claims, as alleged; no remuneration for the vast amount of treasure and blood which were expended, as well in war as in negotiation; a negotiation continued through a long series of years, and pressed with a degree of energy and ability which will compare favorably with the efforts of any Government, at any time, in the advocacy of the rights of its private citizens. The maxim of a gallant sailor, now no more, was "My country, always right; but right or wrong, my country." It would require some modification for the legislator, and yet my sentiment, as an American, very much responds to that maxim; the proof must be clear that my country was wrong before I will

condemn it; the proof must be positive, unquestionable, before I will admit that the men who founded this Government, who achieved its independence, and transmitted to us the blessings which we enjoy, shrank from the performance of a duty which justice and honor demanded. I cannot allow to pass unnoticed the carefully prepared representations which are made by snatching paragraphs here and there from a voluminous correspondence, and patching them together to support this claim. In this way letters written to a minister at the Court of Spain have been explored, an extract taken and applied as though it was language addressed to the American commissioners in France, and construed as though it belonged to a case to which it had no application, save upon a hypothesis which that Secretary was answering. Of such, I say, is woven the web which is now presented; such forms the mesh thrown around the sympathy, if not the judgment of the American Congress, to bind it to the recognition of a pecuniary liability as the result of obligations which have long since been discharged by having been, in peace and in war, fulfilled with all the ability which belonged to our Government.

I know it is an ungracious task to oppose claims of this character; they are speciously presented as being connected with our revolutionary struggle; have so long been before Congress as to be enveloped in the sanctity of age; and it is apparent have the sympathy of a majority of this body. Against personal considerations of comfort and health, I have endeavored to perform—however imperfectly—what I consider a duty to the public, a duty to the tax-payers, above all, a duty to the history of my country, that its fair fame may, untarnished, descend to future generations. Much of the opinion which I entertain results from examinations made years ago. It was not deemed necessary or advisable on this occasion to present a tithe of the authority on which that opinion rests. The subject has been worn almost threadbare; Senators must be weary of it; and I have endeavored to fulfill my promise that, in requital for this courtesy, I would abridge my remarks as much as possible.

Mr. CRITTENDEN followed in reply; and having concluded,

Mr. DAVIS resumed, and said: Mr. President, I am happy, indeed, that the difference between my friend from Kentucky and myself, as to what public morality demands should be done in this case, is rather a difference of fact than of the conclusion which we would reach from the same state of facts. My estimation of him is so high, that I should be pained to arrive at an opposite conclusion as to what virtue and manliness demanded,

if we had first agreed upon the state of facts; and, therefore, I do not rise to reply to his argument, for facts do not admit of an argument, but simply to show the authority on which I rest the position I have taken; and I think, thereby, to prove that his position is untenable.

His main point is, that we have renounced these claims for a valuable consideration, and that the means by which we did renounce them, was the rejection of the second article of the convention of 1800. What did that article propose to do? Did it, as he says, propose to admit the claims of American citizens for indemnity? Would it, as he says, if it had remained in the convention, have secured to them the payment of the money by France? Let history answer; and if history be silent, let the second article itself speak. Not a word is here said about the admission of claims; not a word about their payment. It is simply this:

"The Ministers Plenipotentiary of the two parties, not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th of November, 1788, nor upon the indemnities mutually due or claimed"—

They do what?

—"the parties will negotiate further on these subjects at a convenient time; and until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated, as follows."

What did this give to the creditor? Nothing but the poor promise that his claim should be considered at a convenient season—that doubtful period both in temporal and spiritual affairs. On the other hand, what did it assert against the United States? A right at some future day to discuss with us the revival of treaties which had been swept out of existence. But it is said that the amendment of the Senate by which this article was stricken from the convention of 1800, constitutes the renunciation of the claims of American citizens. Let us see how that is. The Senate ratified this convention, two thirds concurring:

"*Provided*, The second article be expunged, and the following article added or substituted: 'it is agreed that the present convention shall be in force for the term of eight years from the exchange of the ratifications.' "

How did this affect the claimants? Instead of their case being considered at a convenient season, it was required to be considered within eight years, or this convention of amity and commerce was to terminate. It was a means of compelling France to a consideration of their pretensions and claims, whatever they might be; not a renunciation of them. Then, again, as to the ratification of this treaty by the First Consul. He agreed to it, with this amendment:

"*Provided*, That by this retrenchment the two States renounce their respective pretensions which are the object of the said article."

Then the President sent this special ratification of the First Consul to the Senate, with a message:

December 11, 1801.

GENTLEMEN OF THE SENATE: Early in the last month, I received the ratification, by the First Consul of France, of the convention between the United States and that nation. Its ratification not being pure and simple, in the ordinary form, I have thought it my duty, in order to avoid all misconception, to ask a second advice and consent of the Senate before I give it the last sanction, by proclaiming it to be a law of the land.

THOMAS JEFFERSON.

This is the message of Mr. Jefferson. Was Mr. Jefferson willing to renounce the pretensions of American citizens—this sacred right so eloquently advocated this morning? Surely that will not be alleged. The very argument of the Senator precludes him from alleging it. Then how did the Senate treat it? Not as a renunciation of pretensions which had been set up by our Government for private right; not as a modification of the treaty which required it to be considered and ratified; and surely it would have done so if it was to violate private rights and involve the Government in heavy obligations; but they returned it to the President, with this resolution:

"*Resolved*, That the Senate (two thirds of the members present concurring therein) consider the convention between the United States and the French Republic as fully ratified."

That is, this proviso of the First Consul required no action on the part of our Government. Then follows the whole history of the transaction, showing that, from time to time, at every con-

secutive step, we were urging these claims to a settlement upon France, and that they were the subject of future negotiations.

Mr. FESSENDEN. The Senator will excuse me for interrupting him.

Mr. DAVIS. Certainly.

Mr. FESSENDEN. I should like to ask him what evidence he has that these specific claims for spoliations were ever urged by our Government on France after that period?

Mr. DAVIS. I speak of claims for spoliations.

Mr. FESSENDEN. Well, what evidence has the Senator that the claims for spoliations prior to 1800, were urged upon France after that period?

Mr. DAVIS. The evidence is to be found in the instructions of the commissioners who negotiated the convention of 1803, in the record of their intercourse with the ministers of France, urging it from point to point, and from time to time; their efforts being obstructed by the old treaties being then constantly presented, as before. You will find it in the journals.

Mr. FESSENDEN. I think not.

Mr. DAVIS. I will not be drawn from my argument by the question of the Senator just now. I will attend to him when his time comes.

Mr. FESSENDEN. I did not design to draw the Senator from his line of argument. I merely asked for information.

Mr. DAVIS. I follow my own line of argument, which I prefer to that suggested to me. In 1803, when we acquired Louisiana, we had also a convention referring specifically to the claims of citizens of the United States against the French Government, appended to the convention for the acquisition of the territory. In that, so far from its being understood at that time that we had renounced these claims, you find in the preamble this declaration:

"Being desirous, in compliance with the second and fifth sections of the convention of the 8th Vendemiaire, ninth year of the French Republic, (30th September, 1800,) to secure the payment of the sum due by France to the citizens of the United States."

There, instead of its being regarded that we had abandoned all the claims considered in the second article of the convention of 1800, it is specifically announced as one of the things which they were desirous to adjust. Perhaps the Senator will think that was paying no attention to them.

Mr. FESSENDEN. If the Senator will look to the treaty, he will see how it was disposed of.

Mr. DAVIS. This is it:

"ART. 4. It is expressly agreed, that the preceding articles shall comprehend no debts but such as are due to citizens of the United States, who have been, and are yet, creditors of France, for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention, 8th Vendemiaire, ninth year, (30th September, 1800.)

"ART. 5. The preceding articles shall apply only, first, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant cannot have recourse to the United States otherwise than he might have had to the Government of the French Republic, and only in case of insufficiency of the captors; second, the debts mentioned in the said fifth article of the convention contracted before the 8th Vendemiaire, an. 9, (30th September, 1800,) the payment of which has been heretofore claimed of the actual Government of France, and for which the creditors have a right to the protection of the United States; the said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed; it is the express intention of the contracting parties not to extend the benefit of the present convention to reclamations of American citizens who shall have established houses of commerce in France, England, or other countries than the United States, in partnership with foreigners, and who, by that reason, and the nature of their commerce, ought to be regarded as domiciliated in the places where such houses exist."

This article shows that the class of cases not provided for were those where the parties had connected themselves with foreign merchants. Then it goes on:

"All agreements and bargaining concerning merchandise, which shall not be the property of American citizens, are equally excepted from the benefit of the said convention, saving, however, to such persons their claims in like manner as if this treaty had not been made."

Again:

"The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French Government reserving to itself the right to decide definitely on such claim so far as it concerns itself."

Again:

"ART. 12. In case of claims for debts contracted by the Government of France with citizens of the United States since the 8th Vendemiaire, ninth year, (30th September, 1800,) not being comprised in this convention, may be pursued, and the payments demanded in the same manner as if it had not been made."

Will the Senator say this is a renunciation of American claims? Will he say this is an abandonment of them, or that this was an assumption of them? Will either one or the other be said? Again, my friend from Kentucky, who urges this case with his usual zeal and eloquence, pleads the entire insufficiency of the amount reserved in the convention of 1803. Mr. Livingston, on July 30, 1803, writing to the Secretary of State, Mr. Madison, says:

"Mr. Skipwith still thinks that the American debt will fall much within the twenty million for which we have engaged, and all the fair creditors be fully satisfied: the supposed debt being extremely exaggerated in America. Other nations, creditors of France, have, at present, no prospect of being paid."

They regarded it then as an adequate provision. And again, Mr. Madison, writing to Mr. Livingston as late as January 31, 1804, says:

"Should France, however, be unlikely to admit her responsibility for the pretermitted claims, and there be danger that, by urging her responsibility at this time, an equitable modification of any sort may be rendered more difficult, it will be best to pass over the question for the present, taking care that no waiver be made which may either still further weaken the claims against France, or give color for turning them over against the United States." . . .

"Neither of the succeeding alternatives will increase the balance payable by France, nor is it contemplated that in these, or any other modifications whatever, the Treasury of the United States is to be made chargeable with more than $3,750,000; or rather with more than so much of that sum as would satisfy the debts to which it is subjected by the last convention."

This is the only place where I find him refer to the fifth article. But it is found that in the convention of 1803, both in its preamble and fifth article, it does not enlarge the class of

cases to be considered under it, and a new class of claimants did come up not provided for in the convention of 1800. Such appears to be the fact.

Then, again, in the instructions which were given in opening this correspondence, the first point in the instructions was:

"At the opening of the negotiation, you will inform the French Ministers that the United States expect from France, as an indispensable condition of the treaty, a stipulation to make the citizens of the United States full compensation for all losses and damages which they shall have sustained, by reason of irregular and illegal captures or condemnation of their vessels and other property, under color of authority or commissions from the French Republic or its agents."

That was the position of our Government. That they did not get all which was believed to be just; that they did not get all which our Government, at that time, contended for, is true; if, as I believe, it was a violation of the law of nations, as well as of the treaties of France, to seize an enemy's property when on board a neutral vessel, they failed to procure the recognition of all which was due. They got, however, as much by as diligent and energetic application they could obtain. This is my answer to all allegations made that we have surrendered something which France was willing to give.

The Senator from Kentucky, however, says that history tells nothing of the war of which I spoke; that it is a thing unknown heretofore. As I am not willing yet to be classed among those who make war on private account, it becomes necessary to refer to some evidence that it has been heard of before I made my remarks this morning. In the journal of the negotiators, it appears that, on the 12th day of September, 1800, the president of the French commission used the following language:

"If the Government should think proper to instruct them to make a treaty on the basis of indemnities and a modified renewal of the old treaties, he would resign sooner than sign such a treaty; adding that, if the question could be determined by an indifferent nation, he was satisfied such a tribunal would say that the present state of things was war on the side of America, and that no indemnities could be claimed."

Then our commissioners, giving as a reason why they did not still further press these pretensions, say:

"The American ministers being now convinced that the door was perfectly closed against all hope of obtaining indemnities"—

Not that they had abandoned the claims of American citizens when the French Government was willing to pay them, and wanted an opportunity to do justice; but they say:

"Convinced that the door was perfectly closed against all hope of obtaining indemnities, or any modification of the treaties"—

That is, unless they would give the renewal of the extinct treaties as the price:

—"it only remained to be determined whether, under all circumstances, it would not be expedient to attempt a temporary arrangement which would extricate the United States from the war, or that peculiar state of hostility in which they are at present involved, save the immense property of our citizens now depending before the council of prizes, and secure, as far as possible, our commerce against the abuses of captures during the present war."

These were justifiable reasons. They were not required to urge the claims of private citizens to a point that would involve their own Government in a perpetual war. Neither does our Government become responsible; because it may not choose to wage, or to continue a war already commenced with any foreign country.

It is needless to argue this question; but I have some further authority, being a statement of the facts of the case made before the Senate on a former occasion, by a Senator now deceased, Mr. Benton; a decision of the Supreme Court, delivered by Judge Washington, and another by Judge Chase. With the permission of the Senate, I will ask my friend from Alabama to read these extracts.

Mr. CLAY read the following extract from Mr. Benton's speech of August 10, 1846:

"The injuries to our commerce, for the satisfaction of which this bill provides, commenced with the year 1793, with the commencement of the war between Great Britain and France, and continued till the treaty with the First Consul, signed on the 30th of September, in the year 1800. Seven years were the period of these depredations; and seven years of more extraordinary exertions for the protection of its citizens were never

made in any country. All the means of protection were resorted to; embassies, military and naval preparations, taxes, loans, letters of marque and reprisal, convoy to merchant ships, exclusion of French vessels from our ports, a non-intercourse with France, the condemnation of her vessels, retaliation upon her citizens, &c. And, in the month of July, 1798, Congress cut the last cord of friendly intercourse with France by passing a solemn act abrogating all our treaties with her, and placed the two countries in a state of actual hostilities. The famous combat of Captain Truxton, in the United States frigate Constellation, with the French frigate L'Insurgente, was one of the fruits of that war; and, although the most signal, was, by no means, the only instance of fierce and bloody collision between the French and Americans of that day. Besides the extraordinary embassies, the military and naval preparations, the loans and taxes were immense and almost incredible for a young nation of five millions of people.

"Between the year 1793 and the complete restoration of friendship with France, in the spring of 1801, the appropriations for the Army were above twenty million dollars; those for the Navy exceeding fifteen millions; the authorized loans were above twenty-five million dollars; duties on imports were increased; direct taxes were laid; the stamp act and excise made their appearance among us. The statute-book, from 1793 to March 4, 1801, is thickly sprinkled over with acts for these taxes, loans, and appropriations; nor did they remain dead letters upon the book. The taxes were collected, ships-of-war were built, the regular Army was augmented, a provisional army of ten thousand men was raised, Washington was called from his retreat to take the command, ships-of-war convoyed the merchantmen. At home, the tax gatherer entered every house, the excise-man was abroad, the stamp master retailed his little bits of paper, no contract between man and man was good for more than twenty dollars, unless on taxed paper. Such were the burdens which our fathers bore for seven long years to protect these claimants, or procure redress for them; expenses and efforts almost incredible in a young nation of five million people, and which, to be equaled by our present population in any similar emergency, would require every item of expense or exertion to be multiplied by four. After all, with all the duties on imports increased, and with all the resources of excise, direct taxes, and stamp act, the expenses of these extraordinary exertions were not met. A large debt was created, much of it bearing eight per cent. interest, and the burden of which, both principal and interest, fell on posterity."

The case of Bas *vs.* Tingy (4 Dallas, page 35) came up before the Supreme Court upon a question of prize, in which a claim

for salvage was prosecuted; a claim which turned upon the question whether a vessel taken from the French was a vessel taken from the "enemy"; and that brought up the whole subject as to the nature of the hostilities we were then waging with France on account of these claims. Upon that subject the judges were unanimous. They all decided that it was war; that it was public war, coming under the denomination of what is called an imperfect war.

Judge Washington says:

"The decision of this question must depend upon another, which is, whether at the time of passing the act of Congress on the 2d of March, 1799, there subsisted a state of war between the two nations? It may, I believe, be safely laid down, that every contention by force between two nations in external matters, under the authority of their respective Governments, is not only war, but public war. If it be declared in form, it is called solemn, and is of the perfect kind, because one whole nation is at war with another whole nation; and all the members of the nation declaring war are authorized to commit hostilities against all the members of the other, in every place and under every circumstance. In such a war all the members act under a general authority, and all the rights and consequences of war attach to their condition.

"But hostilities may subsist between two nations more confined in its nature and extent, being limited as to places, persons, and things; and this is more properly termed imperfect war, because not solemn, and because those who are authorized to commit hostilities act under special authority, and can go no further than to the extent of their commission. Still, however, it is public war, because it is an external contention by force between some of the members. It is a war between the two nations, though all the members are not authorized to commit hostilities, such as in a solemn war, where the Government restrains the general power."

Again, Judge Washington says:

"In fact and in law, we are at war; an American vessel fighting with a French vessel, to subdue and make her prize, is fighting with an enemy, accurately and technically speaking; and if this be not sufficient evidence of the legislative mind, it is explained in the same law."

Let us read what Judge Chase says:

"What, then, is the nature of the contest subsisting between America and France? In my judgment, it is a limited, partial

war. Congress has not declared war in general terms, but Congress has authorized hostilities on the high seas, by certain persons, in certain cases. There is no authority given to commit hostilities on land, to capture unarmed French vessels, nor even to capture French armed vessels lying in a French port; and the authority is not given indiscriminately to every citizen of America against every citizen of France, but only to citizens appointed by commissions, or exposed to immediate outrage and violence. So far it is, unquestionably, a partial war; but, nevertheless, it is a public war, on account of the public authority from which it emanated.

"There are four acts, authorized by our Government, that are demonstrative of a state of war. A belligerent Power has a right, by the law of nations, to search a neutral vessel, and upon suspicion of a violation of her neutral obligations, to seize and carry her into port for further examination. But, by the acts of Congress, an American vessel is authorized: 1. To resist the search of a French public vessel. 2. To capture any vessel that should attempt, by force, to compel submission to a search. 3. To recapture any American vessel seized by a French vessel. And, 4. To capture any French armed vessel wherever found on the high seas. This suspension of the law of nations, this right of capture and recapture, can only be authorized by an act of the Government, which is, in itself, an act of hostility."

These are some of the authorities which I present to the Senate as answering the position taken by the Senator from Kentucky. I do not doubt that, if I view the facts as he does, I would reach his conclusion; or, if he viewed the facts as I do, that he would reach my conclusion. I admit the force of his remarks in relation to the obligation of the Government to protect its citizens; and I would measure that obligation neither by time nor by money. I plead no statute of limitation, no incapacity to pay.

Nor can I agree with the Senator from Kentucky that it has been the poverty of our country, as he expressed it, that has kept us from paying this debt. There has been a time when our Treasury was gorged to such an extent as to require depletion by an act of distribution. When the last veto message was sent to Congress, the Treasury was full; the country was prosperous; there was no reason to dread the inability to bear this one payment; and if that was to have been the end of it, it might have been cheaply purchased by saving the time it has occupied. But this constitutes a precedent; it establishes a pledge that the Government, whenever it attempts to advocate the claims of one of its citizens, and to vindicate their rights against a foreign

country, that it *shall* in doing so succeed, must wage an interminable war, or pay the citizen the amount of his claim. It is in this view of the case that I consider it of such great public importance. It is this which has urged me so earnestly to oppose the bill.

Jefferson Davis to Franklin Pierce.

(From the Library of Congress. Manuscripts Division.)

Washington D. C.
Jany. 17, 1859

My dear friend,

Your letter relieved of an anxiety created by the absence of any recent intelligence concerning you.

We are dragging on here in a manner significant of no good to the country. Each day renders me more hopeless of effecting any thing for the present or prospective benefit of the country by legislation of Congress. Even more than heretofore members and Senators represent extreme opinions and may increase but cannot allay the ferment which gave to them political life. I am gratified by the view you take of my New England tour. The abolitionists and the Disunionists combined to assail me for the speeches made there. I hope the Southern assailants have been scotched and the others may rail on to their content. That tour convinced me that the field of useful labor is now among the people and that temperate, true men could effect much by giving to the opposite section the views held by the other. The difference is less than I had supposed.

Your old friends in Missi. have not forgotten you and [are] ready to show their appreciation of you on the first occasion. Many said to me that your nomination for the Presidency was their first wish and best hope.

Mrs. Davis was quite happy in our sojourn in Maine and at Boston, but often wished it could have been possible to have found Mrs. Pierce at home. Our children have grown rapidly and the little girl is now quite a companion to me when at evening I go home to forget the past and postpone the future.

Clay and Fitzpatrick were happy to find you still remembered them and both said they would write to you. I will send you some papers which I hope may be more fortunate in their journey than were those of last year.

Please give my kindest regards to Mrs. Pierce, of whom we speak often and to whose return we look with affectionate

solicitude. You may scold me roundly as I deserve for not writing to you more regularly, but do not I pray you fail to give me credit for good resolves and do let me hear from you as often as your convenience will allow.

As ever your friend
JEFFN: DAVIS

Remarks of Jefferson Davis on the death of Hon. Thomas L. Harris of Illinois. Jan. 17, 1859.

[REVISED BY HIMSELF]

A message was received from the House of Representatives announcing the death of Hon. THOMAS L. HARRIS, a member of the House of Representatives from the State of Illinois.

Mr. DAVIS said:

Mr. PRESIDENT: It is the custom of our body, upon the announcement of the death of one of our brethren, either of this Chamber or the other, that the fact should be noticed, not merely by those who belong to the same geographical section, or who hold very near political or personal relations to the deceased, but that it should also be responded to by those who occupied other relations. It is a usage worthy to be preserved. It speaks to the heart and to the mind of that which makes us really one people—fraternity. It speaks also to history of that which, I trust, is long to remain, such good understanding among members of Congress as secures the coöperation of men from every portion of our wide-expanded country, for the one great object, the common good of the whole. It belongs, also, to the civilization of the age, that while we raise the little heap over the remains of the departed, we should smooth every trace of controversy which has existed in life, and leave the grave to bear only the flowers of affection and the cypress of sorrow.

But mine, sir, is not the performance of merely a formal task. I come bringing the heart's offering. Such is my contribution to the pile which affection and justice are rearing to the memory of the deceased.

Each revolving year but impresses me more and more with the sense of obligation for benefits received, and the inadequacy of the return I have been able to make to my fellow-men for the kindness which they have bestowed. To the deceased I am indebted for services which friendship only gives—a friendship

which I had no right to claim or even to expect from him; services rendered on more than one occasion, and rendered, too, when it was least likely I should ever know it. It is with me a matter of deep regret that I never sufficiently manifested to him the gratitude which I felt and feel. Language would fail me if I were to attempt to express all that I believe to be a just tribute to his memory. My heart feels what my tongue cannot express. If it be permitted to friends in the land of the departed to note the acts of those they have left behind, I trust the cordial tribute which I offer to his memory will not be unwelcome to his spirit.

Truly has our path of late been strewn with monitors of the vanity of life's toils and troubles. One after another, in quick succession, we have been called upon to mourn the loss of those who have been connected with us in the labors of legislation; and as we look back on the vacated seats of even the most distinguished, are we not solemnly warned how ephemeral are all our efforts, how vain are the cares which engross the mind, and the midnight toil with which we weave that web which the next breeze may bear away forever? Empty must seem the struggle to blow the little bubbles which the next wave of the tide of time will bear to oblivion. The Senator from Illinois has well described how his exposure in the camp and his toil in the council hastened his death. In this earnest and excited labor he is but another instance of the many which surround us, how far ambition, even leading to misplaced exertions, robs youth of its spring time, and hastens us on prematurely to the languid step, the hollow cheek, the dimmed eye, which wintry age alone should bring. Around us, Senators, are strewn the wrecks which such an encounter with the storms of life has daily made. Around us they stand as monitors to the living; and though silently yet forcibly do they appeal for that tribute which is due to the dead who died by the public service, and claim the offering which patriotism brings when it approaches the altar where man has sacrificed himself to his country.

The deceased, both in peace and war, showed that he realized that obligation of the citizen of a Republic which denies that he shall consider himself as living for his family only. True to his friends in private life; true to his country in official position; true to himself; may we not venture to hope that he has gone to his God to receive the reward which justice gives to truth and manly virtue? Studious and conscientious, he was remarkable for the accuracy of his knowledge, and this gave him especial value in council. Long will he be remembered by those who

went to him as a sort of walking lexicon of current events, and often must he be missed by them when they require his aid in consultation. Others may look upon his career as fulfilling the measure of his mission; but his personal friends must still deplore his early loss; their sorrow can find no healing balm. The winter of life has no returning spring; the flowers wither and fade, never to bloom again. The muffled drum has beaten the last march of the soldier; the lamp of the statesman is extinguished forever. It but remains, then, for the tear of affection to water his grave; for the prayer of patriotism to follow the spirit of the departed, and give that which patriotism claims for the man who lived for his country and died as became its citizen.

Remarks of Jefferson Davis on the Pacific railroad bill. Jan. 25, 1859.

Mr. DAVIS. Mr. President, I shall occupy the Senate but a short time.

Mr. JOHNSON, of Arkansas. I am very sorry that the Senator will take it up at all.

Mr. DAVIS. I feel it my duty to say a few words. I shall occupy as short a time as possible.

Mr. President, I shall not follow the Senator from Tennessee in the very wide range he has taken; for though he describes the bill of the Senator from California, or rather the bill of the committee reported by the Senator from California, as being both wide and long in its application to the public lands, it seems to me that the Senator himself in discussing that bill has drawn into it subjects which even its great length and its great breadth would not include. He has thought proper to speak at a time when an amendment offered by myself was pending, and has addressed his remarks to a bill to which that amendment was directly opposed. Thus he speaks as though his $25,000,000, his $600,000,000, of which he speaks as the expenditure for this road and the innumerable number of acres of land, all belonged to the substitute before the Senate. They belong to the bill which the substitute was intended to displace.

Mr. JOHNSON, of Tennessee. I intended, and thought I did make the exception of the Senator's proposition, and stated that, as between the two, I should vote for his, and that my remarks would be confined principally to the original bill and the substitute for it offered by the Senator from Tennessee.

Mr. DAVIS. I shall not notice the extraneous matter, and

most of all that hardship of which the Senator complains as practically existing in the country, which prevents the multiplication of presidential candidates, a hardship which I do not feel, and in the zeal with which he arraigns it I cannot sympathize. I will say, however, that whilst I omit the general view of that point, I like the programme which the Senator presents as his plan of administration very well. He proposes to reduce the expenditures from seventy-five or eighty millions to fifty million dollars; and, if a pony race should occur, in which no parties are represented and everybody who thinks he is fit to administer the Government should be a candidate, I do not know but that I like the Senator's programme very well. I shall not yet pledge him my vote, however.

But, Mr. President, I should not have risen at all, but for the very kind manner in which the Senator laments my departure from the doctrines of strict construction and my wandering into the field of latitudinarianism. He shows such interest in me, and follows me with such kind instruction, that I feel it is due to him, that I should relieve him of some portion of the apprehension which he entertains. In so doing, I shall be compelled to show him that, whilst he lectures upon constitutional law, there are some parts of it which perhaps he has not maturely considered.

There are two kinds of enemies to the Constitution. One kind consists of those who disregard it, who trample it under foot, who would claim that it was no restraint upon the Government of the United States, who would seek to draw the States into one great central Government, and to overthrow the compact which binds the States together. Another kind, and scarcely less dangerous, consists of those who, sticking in the bark of the text, unwilling to acknowledge that anything grows out of the Constitution unless it is written down in it, destroy its vitality and drive the Government, by the necessity of the case, to assume functions which, under their construction, it would not have. Thus, the Senator says that he cannot find any warrant in the Constitution for using this, though it be a necessary means incident to the war-making power; and then refers to the Constitution, and reads the provision that Congress shall have power to declare war. Is that all? Why was that power given? It is the great duty of the Federal Government, and the States united themselves together under one head, to provide for the common defense. The war-making power is expected to be exercised mainly for defensive purposes. It devolved on the General Government to provide for the general welfare; and the treaty

and war-making power come under these general duties and grants conferred, to enable this general agent to perform the duties imposed on it.

But the grant did not stop there. If it had, the Senator might have argued with some plausibility that the right to maintain an army only arose after the declaration of war. If he had read the Constitution a little further and a little more closely, he would have found that Congress had the power to maintain an army and a navy; he would have found by a little further examination that he was in error when he supposed this army was put under the command of the Executive. He would have found instead of the men who formed this Government giving to the Executive the Army, as an instrument to work his will, they would not even grant him the poor power of making regulations to govern it. The men who formed this Government, jealous of any use of the sword by the Executive, retained in the hands of Congress the power of making the rules and regulations for governing the land and the naval forces, as well as that of calling out the militia; and whatever power the President possesses, save in his capacity of Commander-in-Chief, he derives from the laws of Congress, which have from time to time delegated certain powers to him, not by a constitutional or Executive prerogative. Congress has the control of the Army, and not the President, and I thank the wisdom of those who made our free institutions that it is so.

But the Senator says, if this be the result of the war-making power, we must wait until war is declared. A beautiful system of national defense, surely, the Senator would found upon his theory. You are not to make a road, though you need it for defense. You are not to build a fort, though you need it for defense. You are not to roll a grain of powder; to cast a shot or shell; to make a gun, great or small. You must wait until war is declared, and then you acquire this as an incident to the war-making power. His argument goes to the whole extent; that, as an incident to the war-making power, it only arises after the declaration of war. If I have not mistaken his language, I believe that is the substance of it; I am ready to be corrected, however, if I mistake.

Then he runs into the error of supposing that the Constitution having given to the President the military power, Congress have a check upon him in their power to withhold appropriations for a greater period than two years. I should have thought he was speaking of the British constitution; I should have thought he was treating of monarchical Governments, where the Crown holds

the sword, and where the House of Commons voting the supplies had no other check than by limiting its appropriations from year to year. Our Government is differently constituted. Our Executive has no control of the Army save that which he derives from Congress. Even his Executive prerogative of nomination and appointment is fettered by law. He is tied down to follow in the path that Congress has chosen to indicate to him.

The Senator concludes (such is the line of his argument) that, as it is not proper now to exercise the war-making power, it is not proper to make this road if it attaches to the war-making power; and, he might, in the same view, equally have argued, as it is not a proper time for war, we had better close our armories, stop the manufacture of powder, desist from everything which tends to promote national defense—everything which is needful to provide for it. It all comes within the general category. The Senator draws his illustrations from familiar things. I will say that his theory is somewhat like the man who would not cover his house in dry weather, because he did not then need a roof; and his position would be that of the same man, who could not cover it when he needed, because then it rained. If he did not make this road before a war, he could not make it during the war until all for which it would be made had been lost.

The Senator's argument against expending money to make a road which is not necessary I concur in if he will omit all that portion of it which makes the necessity depend on the declaration of war. If the road is not necessary, I would not vote one cent for it. If it is not one of the means which we are properly to employ, I would not vote a cent. If it be a proper means, if it be the most efficient means, if it be the most economical means, then, I ask, why those who do not go to his whole extent, but still go on from year to year making expenditures to provide for the common defense, should not adopt this mode, if it can be shown to be the cheapest which they can pursue?

As to the old argument of the abuse of power, it belongs to everything. Government is a practical thing. It is to be administered by men. Our Government was founded by honest men. It can only be administered by men both intelligent and honest. The abuse of any power which we possess might be arrayed as an argument against its exercise. I think it may be very well stated in this, as in other cases, that those powers which are most useful, most readily run into abuse. It comes within the maxim, the worst is the abuse of the best.

I will not discuss the various points in the Senator's argu-

ment in relation to the road, but will merely state some of them. He says it runs across a desert, and it is to be built by the people that inhabit the country. The one proposition denies the other. If the country is a desert, if it is sterile and arid, the people cannot live along it, who will build it. My own opinion is, that there is no road over the continent which ever will be built by the people who reside near it; and my own belief is, that if, at some remote period, a teeming population stretching out to the extreme limit of fertility from the valley of the Mississippi, and reaching out in the same manner from the Pacific ocean should ever build this road, it will be at such a remote period, that all the catastrophes which have been so often portrayed in this debate will probably first occur. Such a circumstance is only to arise at such a remote period that we do not anticipate it. So much for the constant argument of the people building it themselves.

Then the Senator speaks of the expense of surveys. I really did not understand whether he said the expense had been some million of dollars, or some millions of dollars.

Mr. JOHNSON, of Tennessee. A million, as I understand, has been expended in printing and making the surveys.

Mr. DAVIS. In printing, I believe, the whole sum the Senator stated has been, or may be spent before they get through; but the surveys are a different thing. The surveys, I think, cost about one third of a million, with all the reports. What Congress has spent in printing them is a different question, altogether unconnected with making the surveys themselves. I suppose the Senator thought that the expense of making the surveys would cost that amount, and that he was going to weigh it down a little more heavily with money, so as to increase its weight, for he used some kind of a figure by which he spoke of the weight of the railroad as tumbling the Union to pieces.

Mr. JOHNSON, of Tennessee. I do not think I said so.

Mr. DAVIS. I understood the Senator—in arguing against the proposition of somebody, that it was a bond to hold the Union—to use that language.

Mr. JOHNSON, of Tennessee. Will the Senator allow me to interrupt him?

Mr. DAVIS. Certainly.

Mr. JOHNSON, of Tennessee. I always make it a point, in answering a speech, to answer what was said. I think the Senator misunderstands me. I said it was argued, by some, that the construction of this railroad would be a great bond of union. I stated, in answer to that, that if the Union was going to be

dissolved, the road would be no tie towards holding it together; that instead of its being a tie, if these States were prepared to be dissevered, the road would no more bind them together than a rope of sand.

Mr. DAVIS. I should not agree with the Senator in that. I hold that people are held together by their interests. I hold that the people of the Pacific slope will remain attached to the people of the Mississippi valley, so long as it is their interest, and perhaps a little longer from habit and affection; but that it is necessary to bind them together to give similarity to their commerce; to prevent that diversity which will result from one looking exclusively out to the Atlantic, and the other to the Pacific; to prevent that obstacle which now exists to the intercourse between the two, by the circuitous route and the hazard to life resulting from crossing either of the isthmuses; I think it will contribute—it was not in answer to my argument, however, and therefore I will not pursue it, as I am anxious not to consume time—but I think it will contribute to hold the two together. I think it will contribute to that end, if it gives to them a greater similarity of commerce and greater similarity of policy. It makes the one more necessary to the other; and men who are governed by common sense, who look to the interest which their communities have, will look to the conjunction of material and political relation to bind them together.

Mr. BRODERICK. Mr. President, I did not intend to occupy any more of the time of the Senate upon this subject, until a few minutes since; but the extraordinary speech made by the Senator from Tennessee has induced me to take notice of it. I want the Senator from Tennessee, and every Senator within hearing, to understand that the State of California is no mendicant at the door of the Senate Chamber, asking for an appropriation of money to construct a railroad from the Mississippi valley to her borders. I might say that we demand it; and if there is any generosity in the Senate, they should give it to us. The State of California has sent between six and seven hundred million dollars to the Atlantic States; and what have you sent us in return for our money? Nothing. If the State of California, for fifty days, should withhold her money from you, the banking interests, the commercial interests, and the manufacturing interests of the thirty-one States on this side of the Rocky Mountains would be paralyzed.

I do not understand the Senator from Tennessee. He professes to be a very strict constructionist, and says he is controlled entirely by the Constitution. I understand that the

Senator is in favor of the thirty million bill for the purchase of Cuba. If I am correct, I would ask him what clause in the Constitution he finds giving Congress the power to vote $30,000,000 to the President, to be used as a corruption fund, to purchase Cuba with, and to expend two or three hundred millions more, if he deems it advisable? There may be such a clause in the Constitution; but the last time I read it I did not see any such clause there.

I am also surprised that the Senator from Tennessee should lay so much stress upon the proposed grant of public lands by the Government. I voted with him, at the last session, to give away to every man who would take possession of it, one hundred and sixty acres without paying a farthing into the Treasury; and now he is alarmed at giving twenty miles of land on each side of the road to the contractors who will build it to California. I voted, and will vote again, with him to give away the public lands to actual settlers; but I should like to reserve a sufficient amount to build this road, if possible.

I rose, sir, however, more for the purpose of taking notice of the speech made by the Senator from Mississippi [Mr. DAVIS] on Friday last. He said:

"I pass to the route of the forty-first parallel, which has been described in the Senate as having peculiar advantages. From the Rocky Mountains to the Sierra Nevada, the country on this route consists of alternate mountains and plains or valleys—valleys utterly barren. The office examinations of the railroad explorations show these facts."

Now, sir, I will read from the report of Lieutenant Beckwith, who explored this route. He speaks of it in this language:

"There is an abundance of good stone for bridges and building purposes, at short intervals, upon all parts of this line. Water is also found in abundance for railroad purposes throughout those portions of the Sierra Nevada, Wahsatch, and Rocky Mountains explored, and also at a few miles intervals in the basin, where it usually occurs in springs at the bases of the mountains, and in small streams descending from the higher peaks and ridges to the adjacent plains. And a simple reference to the map of the route will exhibit an important feature in the fact that in its remarkably direct course, for its great length, from the Missouri west to the Pacific, it follows the ascending and descending valleys of permanent rivers and their tributaries for more than two thirds of its entire length, and that water is

abundant on all the intermediate spaces, affording the means of irrigation to a large extent wherever the lands are suitable for it; and that they will doubtless be found so wherever the sage plains are luxuriant, may be inferred from the rich aromatic odor and resinous properties of that plant, and from the exceedingly nutritious character of the grass scattered through it. And it is a well known fact, that the Mormons produce some of their finest crops from reclaimed sage plains."

This is land that the Senator from Mississippi characterized as barren and sterile.

Mr. DAVIS. The fertility is where it is irrigated.

Mr. BRODERICK. You will find that there is plenty of water all along the route. I found it three times a day from the time I left Carson's valley until I reached the Missouri river. I found grass and water at morning, noon, and night. I continue to read from Lieutenant Beckwith's report:

"By reference to the map and accompanying tables of latitudes, it will be seen that the route explored conforms throughout to a remarkably straight line, deviating, west from Fort Bridger, only at the Timpanagos cañon, if that line be preferred to the Weber, and on the northern portion of the Sacramento river; and then only by three minutes and four minutes, respectively, from the line of the forty-first parallel of north latitude. The length of this route from the Missouri to the Black Hills may be safely estimated not to exceed six hundred and forty-seven miles, the distance given by Captain Stansbury from Fort Leavenworth to Fort Laramie, (outward journey;) and his distance from the Black Hills to Fort Bridger, three hundred and forty-seven miles, is given from actual measurement. From Fort Bridger to Fort Reading, by the line of the accompanying profile, the distance is one thousand and eleven and seventy-one hundredths miles, (which may hereafter be diminished by at least one hundred and six miles, as before pointed out,) giving a total length for this line of one thousand eight hundred and ninety-nine and seventy-one hundredths miles."

If Mr. Beckwith is to be believed, there is some good land on this route.

Mr. DAVIS. I will say to the Senator that I have paid very high compliments to Lieutenant (now Captain) Beckwith's report. I think him a man of rare judgment, as well as pure character. So far as that land can be irrigated, it will be found productive; but he is aware that at Salt Lake, where the Mormons reside, they are able to produce nothing except where the

land is irrigated; and that is one of the best valleys to be found between the Sierra Nevada and the Rocky Mountains.

Mr. BRODERICK. I will inform the Senator from Mississippi that I followed the beaten track along the Humboldt river to Salt Lake, and that I was never out of sight of water and grass more than six hours at any one time. The animals we used were in fine condition when we reached Salt Lake. They found water and grass in the morning, and from one to three o'clock in the day, and then at night when we encamped. So there is plenty of water and grass along the whole route.

The Senator from Mississippi also stated that Noble's Pass was impracticable. He used the following language:

"The party going west, and which was then commanded by Captain Beckwith, finding their resources only equal to the exploration, if they were not compelled to make any attempt from which they would afterwards have to retire, instead of attempting to cross from Carson's valley over the mountains, upon satisfying themselves that it was impracticable for a railroad, turned north to find some better line. They had heard of Noble's Pass. They found it, and found that it was impracticable for a railroad."

I will also read what the gentleman who explored this route says—a gentleman of knowledge and experience. This is from Mr. Noble, the man who explored the pass, and after whom it was named:

"There is a direct line through a level country to the northern end of Honey lake, which lies at the eastern base of the Sierra Nevada.

"From Honey lake, taking a spur lying north of Susan river, a very uniform grade, with a rise at no place more than eighty feet (and probably not fifty feet) to the mile, is found for thirty miles, when you strike a valley known as the Susan river valley, which is the commencement of a series of valleys continuing through the whole range of the Sierra, with a very slight difference of elevation.

"From Susan river valley, the route would pass between the lakes at the head of that river; thence close by the northern base of the 'Black butte', which is about the summit of the Sierra; thence by the northern base of 'Mount Tom', or Lawson's butte, crossing a tributary of Mill creek; and thence on an easy grade into the Sacramento valley, striking the Sacramento river at the northern border of the ranche of Major P. B. Reading, and near the mouth of Cow creek.

"From a point near the summit of the pass in the Sierra, there is a practicable route into the valley of the Umpqua, and thence by the Willamette to the Columbia river.

"In the whole line of route, there will be no grade of more than ninety feet to the mile, and in no instance anything like tunneling or heavy rock cutting required; except at a few points, the road is already graded by the hand of nature.

"No heavy bridging will be required along the entire line; and no difficulty appears to be in the way of the construction of a road, except the unsettled state of the country.

"In starting from the Sacramento valley there is a fertile country, heavily timbered with pine and cedar, all the way through the Sierra as far as Honey lake.

"The Honey lake valley is one of the most beautiful to be found anywhere; and at various points through the mountains there is an abundance of water-power.

"At the head of the Humboldt, there is timber sufficient for the purposes of the road in that vicinity; and from that point no difficulty, as to rock and timber, will occur all the way to the neighborhood of Fort Laramie, at comparatively convenient distances on the road.

"Excellent coal is found in abundance on the north fork of the Platte, about one hundred and twenty-five miles west of Fort Laramie; and it is reported to exist at Soda springs, and in the Goose Creek mountains.

"Good water is found at distances in no instance greater than twenty-five miles."

If this gentleman is to be believed——

Mr. DAVIS. I will say to the Senator, I do not know anything of the authority; but the profiles of this pass are to be found in the reports of Captain Beckwith; and I think it not at all improbable that he is reading the description of the Madelin Pass, and that it is misnamed.

Mr. BRODERICK. No, sir; the Madelin Pass is some one hundred miles from Noble's Pass. I read from a letter by Mr. Noble himself, which is now on file in the War Department, that he addressed to Mr. McDougall, who represented California in Congress in 1854. I merely rose for the purpose of reading to the Senate part of the report of Mr. Beckwith, and the letter of Mr. Noble; and I leave the question.

Mr. JOHNSON, of Tennessee. I do not want to occupy the attention of the Senate more than a few moments; but I never like to submit—of course I speak that kindly—to a misrepresentation of the position that I assume. I have no doubt the Senator from Mississippi answered what he understood my position to be.

In reference to the expenditure for surveys, I will state what I intended to say. I have not been in the habit of speaking a great deal here, and do not speak with very great accuracy, fixing my mind as perfectly on the particular expression I am going to use as I would if I were more in the habit of speaking. I may have said millions, but my idea was, and I think I did say, that the surveys and printing had cost about a million dollars.

Mr. DAVIS. I will say to the Senator that before making any comment on that point, I asked him what he did say; and when he did say $1,000,000, I treated it as $1,000,000; but as to the printing I am sure he will not find anything stated by me about that.

Mr. JOHNSON, of Tennessee. It was my intention to say that the surveys had cost the Government over a million dollars. The surveys were made first, and the printing followed as a matter of course. It is part of the cost of the surveys. That is what I intended to assume. My understanding is, that the printing and surveys together, and obtaining the necessary information, have cost between ten and twelve hundred thousand dollars. So much for that.

Mr. DAVIS. The printing is not obtaining information.

Mr. JOHNSON, of Tennessee. It is a result growing out of the survey, and an expenditure caused by making the survey as a matter of course.

Mr. DAVIS. The Senator might as well include the long debate which has arisen on these surveys, and the cost of printing it in the *Globe*.

Mr. JOHNSON, of Tennessee. All printing ordered by Congress is incident to, and resulting from, the action of Congress, and it is a necessary incident that has grown out of the surveys to get the information before the country; but let that pass.

The Senator took another position. I understood him to say that I had made an argument that this road should progress with settlement; and that I had treated one portion of the road as being a desert, sterile and barren. He wanted to know how I would carry settlement there. That was not my position. I assumed that, as far as the lands were good and the country was good, on the one slope and on the other, by the encouragement of agricultural settlements would go on, and, after a while, they would make the connection that was necessary between the settlements on each side. That was my argument. I did say that, if these lands were barren and unproductive, they would be worth nothing if you granted them to the company; and, if they

were fertile and valuable lands, you would be granting too much. That is what I said, and say now.

Then the Senator takes up the constitutional question, and answers a position which I did not assume. I read the provisions giving Congress the power to declare war, and power to raise and maintain an army. I referred to that provision of the Constitution giving power to repel invasion and suppress insurrection. I did say, though, that when the Army and Navy were called into actual service, the President of the United States had command of them. I say so yet. I say the Constitution makes him Commander-in-Chief of the Army and Navy, when they are called into actual service. If the President saw proper, he could go into the field and take the sword. So much for that.

Well, the Senator made a discrimination that perhaps, to minds as nicely balanced and as well trained as his, was perfectly clear, by which some ridicule was likely to follow. He asked, would I stand still and do nothing till war was declared? I read the provisions of the Constitution on this subject all together. It grants the power to declare war; and there is also an express grant of the power to raise an army; but what is the object of conferring this power? I put the question to the Senate, was it necessary as an incident to the exercise of the war power now to construct this road? What is there under the war power that now makes it necessary and proper to construct this road? That is the point. Is there anything? If it is necessary and proper to construct a road there, is it not equally necessary and proper to relieve the States from the burden that they have contracted and incurred in making the other links of the road? I can see no difference in principle as to the idea that you cannot make a road in a State, but can in a Territory. I confess I do not treat that argument with much seriousness. If it is necessary and proper to exercise any incident to carry the war power into effect, that power does not stop at the line between a State and Territory; you can exercise it anywhere; and if it is not necessary and proper to carry out the war power, you can exercise it in neither State nor Territory. That is my position.

But the Senator presses the idea that I deny the power to make a cannon or powder in advance of war. Is not that necessary to the very existence of the Government, and the proper perpetuation of the power in the Constitution? Is it necessary to construct a road? Is it necessary to buy provisions to sustain an army, even on the peace establishment, so far in advance of their being needed? Is it necessary to undertake works of agriculture to raise bread and meat all over the country? You

might ask, "will you not make a barrel of corn, or will you not raise a bushel of wheat? We consider it necessary to have agriculture to sustain your army, to carry out the war power." Is not that a latitude that the framers of that sacred instrument never intended to be put upon it? What is the question before us? There is the constitutional power; and now look at the country and the condition of things, and say, is it necessary and proper to make this road as an incident to the war power? Mr. Buchanan says he is a strict-constructionist; and he says in his message, you should not exercise any power unless it is absolutely necessary to carry into effect an express grant. I ask the Senate, and I ask the country, is it necessary and proper, is it absolutely necessary, now to construct this road through a desert as a means to sustain and carry out the war power conferred in the Constitution of the United States? My honest convictions are that it is not.

But the gentleman, by way of being a little facetious, speaking of my reference to a change in the Constitution, alluded to the number of candidates that might be before the country in reference, as I understood him, to a distinguished office.

Mr. DAVIS. I was answering you, sir; the office you spoke of.

Mr. JOHNSON, of Tennessee. If that policy was carried out, as I understood him—I speak the substance of what I understood—it might open the field to a pony race, with a number of pony candidates running. Well, if national conventions are the only means to rule off ponies, and bring forward great men, in the future I hope that all improper appliances will be omitted. Open the door for a pony race! I think the people of the different States are as competent to judge of their own citizens, and their qualifications and various merits, and their worth, as a national convention; and the chances are that they would be equally as pure and as good men as would be brought forward by a national convention or a congressional caucus. At this point, and I know I do it in a spirit of kindness, I assure the Senator I am willing to widen the field so that if he has any aspirations in that way, he may have a chance; I have none.

Mr. DAVIS. I have disclaimed in your favor already.

Mr. JOHNSON, of Tennessee. I increase your chance, particularly as I live in the South. But the idea seems to be, that you cannot come forward and discuss any great measure that has a tendency to popularize our free institutions, but you must be associated with the Presidency. That seems to have been the *summum bonum* of everything in this country. It is the climax of comparison and of aspiration; and whenever you make a move

that has a tendency to popularize our free institutions, or carry the Government nearer to the people, it is said, "Oh! you are a candidate for the Presidency."

Mr. DAVIS. I ask the Senator now, as he is replying to me, whether he did not bring in that himself, and whether my remarks were not in reply to him on that point?

Mr. JOHNSON, of Tennessee. Bring in what?

Mr. DAVIS. The whole subject of the mode of nominating a candidate for President.

Mr. JOHNSON, of Tennessee. Most assuredly I did; but I made no particular allusion to any set of individuals being candidates; the Senator did. That is the difference between us. I introduced the subject, and he alluded to the chances of particular individuals. That is all the difference. He brings cases up; I have a right to comment on those cases, in making a reply; and as I before told the Senator, I am not in his way. We have got to making Presidents in modern times, so that nobody knows who is safe. I do assure the Senator that I prefer to discharge my duty faithfully as an honest representative of the States or the people. Occupying that position—the Senate will pardon me for the expression, and I do not use it in a profane sense—when contrasted with being President of the United States, I say damn the Presidency; it is not worthy of the aspirations of a man who believes in doing good, and is in a position to serve his country by popularizing her free institutions.

The Presidency! I would rather be an honest man, an honest representative, than be President of the United States forty times. The Presidency is the absorbing idea, the great Aaron's rod that swallows up every other thing; and hence we see the best legislation for the country impaired, ruined, and biased. The idea of President-making ought to be scouted out of the Halls of Congress. Our legislation should be for the country, and let President-making alone. Let the people attend to that. Confer the great privilege, the constitutional right, upon the people to make their own Presidents, and not have them made by national conventions or by Congress; let the people make them themselves; and we shall have better Presidents, better Administrations, more economy, more honesty, more of every thing that tends to constitute an upright and correct Government.

But the Senator from California [Mr. BRODERICK] seems not to be satisfied with something that I said, and he wants to know what would become of the United States if it had not been for the six hundred millions of gold we had got from California.

Now this was a country a good while before we got California, subjected to a great many trials, and went through the struggle of the Revolution which was consummated in 1815. He wants to know what we should have done——

Remarks of Jefferson Davis on the Indiana senatorial question. Jan. 26, 1859.

Mr. DAVIS. If the Senator from Tennessee will allow me to interpose, I will say that I think he mistakes some facts in the history of the Mississippi case which has been brought into this discussion; and if he will permit me, I should like to make one or two statements of fact merely.

Mr. BELL. Certainly.

Mr. DAVIS. That case arose from the call of an extra session of Congress. The Constitution and laws of the State provided for an election in the November succeeding the expiration of the preceding Congress, so that between the 4th of March and the November election, Mississippi was without representation. It is even so now until October, it having been moved forward one month. When this called session occurred under the administration of Mr. Van Buren, a proclamation was issued for an election of Representatives to that called session. The people voted very generally I think, though some of them perhaps did not vote; but I think very generally the people did vote, supposing they were electing Representatives to the called session. When the case was presented before the House, it was decided. Mr. Buchanan was not in the House, and therefore did not make the report, as quoted by the Senator from Illinois.

Mr. TRUMBULL. I did not say that the present President of the United States made the report. A gentleman by the name of Buchanan appears as making the report on the Journal. I do not remember where he was from.

Mr. DAVIS. The question presented was, whether these members had been elected to the Congress. There being no contestants, there being no testimony save upon the one side, it was decided by the Committee of Elections that they were elected to the Congress; and they were admitted to their seats as members of the Congress. In the succeeding fall, at the regular time for the election, two others were chosen as members to the Congress instead of the two who had been chosen for the called or extraordinary election. When the question then came before the House, it was hardly a question which had been adjudicated, because before there had been no contestants; there had been

no case presented save and except the certificate of the Secretary of State as to the number of votes cast, and for whom, at the called election. The House then decided that the members elected for the extraordinary session, though they had been decided at the previous session to be members of the Congress, could not retain their seats under the facts presented by the contesting members, whilst it was argued that the election in the fall had been affected by the decision of the House, that the sitting members were members for the Congress, and, therefore, was not a fair expression of popular opinion. The House in this state of affairs, I think very wisely and very justly in relation to what was due to the opinions of the people to be represented, remanded the whole question back to the people, in order that an election might be held without the influence of the decision of the House, or the effect which belonged to an extraordinary election; and then the people elected their Representatives, who took their seats without further question.

Such, I think, is the history of the transaction, and such alone the question which was decided by the House of Representatives.

Mr. BELL. Does the Senator from Mississippi assume that no such resolution as I stated was passed at the special session, on the report of the committee that they were entitled to seats as members of the Twenty-Fifth Congress?

Mr. DAVIS. Yes, the committee reported, and the House adopted the report.

Mr. BELL. And that was deliberately rescinded afterwards by a vote of the majority.

Mr. DAVIS. Of course it was rescinded when the seats were declared vacant. The honorable Senator was then a member of the House. I was only a spectator.

Mr. BELL. What I said was, that the feature which made it similar to the present was, that that was an adjudication of the rights of parties by the House, under their constitutional power of being the sole judges of the election of their own members. Now, I will not assume that it is similar to the present case, for the question now is not whether the gentlemen who claim to be the Senators elect from the State of Indiana are entitled to their seats or not. I do not go into that. The question is, whether they are entitled to the courtesy of being admitted to this floor as members elect, contesting the seats of the sitting members. Now, as the precedent in 1837 establishes the position that the House did not consider themselves bound by any prior decisions which they saw fit to reverse, I do not see anything in the superior dignity of the Senate which

would prevent them from reconsidering, if they think there is sufficient ground for reconsideration, a former adjudication and decision upon a like point. That is all I contend.

I may say, further, that I regret that this question has been presented here. I do not see any probability that there will be a different result in any course which the Senate may adopt at this or at the next session, in relation to this question. Therefore, I regret that it has been introduced; but when the question is presented to me, I must act as I think right. Shall I act, shall I vote, not only upon the main question, but when it is presented, whether we have the power to readjudicate it, or even in a matter of courtesy, shall I act contrary to the convictions which I held in 1837, on a similar question, and contrary to the decision of the House of Representatives ultimately? I think I cannot. That was all I wanted to declare.

Mr. IVERSON. I had intended to submit some remarks, as well in reply to the observations of the Senator from New York, as upon the general proposition; but I think that the discussion has proceeded far enough. The Senate, I am persuaded, is tired of it, and to end it, I move to lay the resolution on the table; and I give notice that I will not withdraw the motion on the application of either friend or foe.

Mr. SEWARD called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 31, nays 22; as follows:

YEAS—Messrs. Allen, Bates, Bayard, Benjamin, Bigler, Brown, Chesnut, Clingman, Davis, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson, Johnson of Tennessee, Kennedy, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Shields, Slidell, Stuart, Thomson of New Jersey, Toombs, and Ward—31.

NAYS—Messrs. Bell, Broderick, Cameron, Chandler, Clark, Collamer, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, King, Seward, Simmons, Trumbull, Wade, and Wilson—22.

So the resolution was ordered to lie on the table.

Remarks of Jefferson Davis on the agricultural colleges bill. Feb. 1, 1859.

Mr. DAVIS. Mr. President, I think that in the search for precedents some mistake is found. I grant the Senator from New Hampshire, who has cited the case of the deaf and dumb asylum in Kentucky, to have one that is somewhat in point. I

think, however, it is a very bad precedent, and should not be followed. It is subject to all the constitutional objections which apply to this bill. But the other cases are those in which land was granted for seminaries of learning; colleges within the Territories, or granted at the time of the compact between the General Government and the State, in which the State surrendered the right to tax the land whilst owned by the General Government, and for five years after the day of sale. This is a contract entered into between the sovereign people of the State and the United States, in relation to the public domain situated within the limits of the State. Anterior to that, the power comes under the general provision, which makes this Government a trustee for the States owning the territory; and the exercise of the power in the Territories constitutes no justification for assuming to exercise a like power within the limits of a State. So much for the precedents, to which I do not indeed attach a great deal of value, even if they were otherwise.

This is a provision, taking the bill generally, to establish schools for the instruction of persons who may be devoted to farming or other pursuits; for it says they are not to exclude scientific and other studies, but they are to direct themselves particularly to that of farming. The argument is made, that the same right exists to instruct farmers as to instruct sailors and soldiers. If I conceded to gentlemen who make this argument, that the Federal Government had established academies to instruct persons hereafter to enter the Army or the Navy, then I would say there was some force in the position which they take; but that is not true. The General Government does not educate persons, that they may hereafter enter the Army and the Navy. It does not establish academies for the instruction of youth, that they may hereafter enter the military service. It does appoint warrant officers, in both the land and naval service, and it does choose to send them to an academy as the best mode of instructing them, and the most economical mode, and perhaps the only mode in which it can give them a thorough elementary education.

The argument, therefore, that you may as well establish an academy for one species of education as another, has no application to what the Government has done and is doing. The cadets are a part of the Army; the midshipmen are a part of the Navy. Instead of sending them to serve with companies, and in a long course of years to get such military knowledge as will enable them to perform their duties on land or sea, you send them to an academy, and there give them instruction; and it is

a defect in our organization which probably will not be corrected, unless we should have the misfortune to require a large army, that we have not also a school of application, where, having been taught the elements, they should likewise be taught the application before they were allowed to command men. Such is the perfect system adopted in Governments of a more strictly military character than our own; and it constitutes no argument, no basis of justification, for the proposition which is now pending.

I have seen the growth of this proposition to do something for the agricultural interest, and I believed it was always delusive, not to say fraudulent. It needs no aid. The agricultural interest takes care of itself, and is drained to take care of every other pursuit in the country. I have looked upon it as a mere sham for other pursuits draining and to drain the agriculturist, to come and say, "Let us do something for the agriculturist." From whose pocket is to be drawn the means of conferring this benefit? Mainly from the agriculturists themselves, who are then to receive a share of the whole sum which they are required to pay out. Agriculture needs no teaching by Congress. The wide extent of our country, the great variety of its soil and climate and product, render it impossible that there should be anything else than local teaching in relation to agriculture. The States are sovereign; and there is the care of the education of their youth, and their direction into any pursuits which the public weal may require. This Government was instituted for no such purpose; and when it invades that prerogative of the States, it commits violence on the sovereignty of those by whom it is created. I was pleased to hear the Senator from Minnesota [Mr. RICE] this morning state, with such clearness and force, the unconstitutionality of the measure which is pending, and the abuses which it would work in the new and landholding States.

There is another provision, which, so far as I have heard the debate, has not yet been noticed. It provides for working a forfeiture, attaching a penalty to a State which shall sell some part of the land and not establish a college, requiring it hereafter to refund the money. Did Senators forget that it was that fatal blunder of the old Confederation which utterly destroyed it, rendered it incapable of performing its duties, either in peace or in war; that it was that fatal error committed by the formers of the Confederation which rendered it necessary, subsequently, to revise it, and to form the more perfect Union, which now exists? This Government cannot coerce a State; this Government cannot require of a State to pay money; and the error

being discovered, our system was corrected, and the present mode of gathering taxes from the people adopted, making the laws work upon individuals, where they may operate, instead of upon the States, where they cannot be enforced. But the human mind has been said to be represented by a circle; and if the constant returning to exploded errors as soon as they have been forgotten, prove it, we find in this but another example, that having completed the circle, we get back to the very error from which we originally departed. In the third provision of the fifth section of this bill, one of the provisions of the grant is, that failing to establish an agricultural college, "said State shall be bound to pay the United States the amount received of any lands previously sold, and the title to purchasers under the State shall be valid." How, pray, is that money to be collected? Are Senators willing to commence this controversy with a State? Do they propose, by law, to provide for levying upon the property of a State, subjecting it to execution, compelling the State to pay? All the benefits which gentlemen may anticipate from their agricultural colleges, will fall greatly short of an evil to be worked by a single such example.

I have not risen to discuss this bill. Others have done it before me; and but for one or two remarks which remained unanswered, I should have been silent upon the subject. It is, disguise it as you may, the mere adoption of that which is thought to be the largest and most influential class in the country, to cover an attempt to found colleges in the States for the benefit of the education of youth, to found them by the United States instead of by the sovereign people, who are the true guardians of their own youth, and in whose hand I much prefer to leave their custody.

On the agricultural college bill. Feb. 7, 1859.

Mr. DAVIS. Mr. President, I concur very fully with the views this morning presented by the honorable Senator from Alabama on the constitutional and moral questions involved in this bill. I shall avoid, therefore, entering upon the same ground, which I think he has covered so ably as to leave nothing more to be said. I merely wish to say, at this time, that all arguments founded upon a reference to the lexicons to find the meaning of the term "dispose of," seem to me rather beneath the dignity of Senators. We should go to the history of the transaction to learn what the word meant in the connection in which it was used.

It is known that, after the close of the revolutionary struggle, when the States were burdened with debts, certain States held very large amounts of territory, and it constituted a ground of complaint on the part of the States holding no such territory; and especially against Virginia the argument was directed that the Northwest Territory, then claimed by Virginia, had been conquered by the joint forces of the States; that it constituted the foundation of a part of the public debt which then existed; and that it should be given for its liquidation. Georgia, holding a very large amount of territory, what was afterwards known as the Southwest Territory, from the same motives and high generosity which actuated Virginia, made, by deed of cession, as in the case of Virginia, this vast territory to become a public fund, common for the States; and it was provided that it should be disposed of, and applied *pro rata* to the States, to relieve them of the burdens of the expenditure of the General Government. If the argument which ingenuity brings in at this day, that the right "to dispose of" gave the power to grant, without compensation, had been applied to the public domain, and it had been given away, what faith would have been kept with the deed of cession? What would there have been to distribute, to relieve the States of the burdens of Government? How would the quotas demanded of the States, for the expenditures of the Government, have been diminished, by giving away the vast domain which these States had ceded to the Federal Union? To present the question, and to state it, is to answer it. Argument cannot refute what is so plain upon the very surface.

If, then, Mr. President, these lands were given, and for such specific objects named in the deed of cession, could it ensue, by using the brief language of the grant in the Constitution, that the terms of the cession could be abrogated, so that one of the contracting parties would lose all the benefit anticipated, and the very purpose for which the grant was made be swept away by a subsequent construction of the grant, expressed in such brief terms as not to imply all that was contained in the contract between the States generally and the particular State making the cession?

The Senator from Tennessee, however, directs his argument to the fact, that grants have been made to particular States; and asks, why should not the other States have grants like them? The difference between Tennessee and Alabama is, that Alabama has received a certain portion of the public land within her limits, and Tennessee the whole. What more would the Senator want for Tennessee than all the land that lay within her borders?

The new States have received a part; the old States got all; and yet this constant appeal is made to Congress against the new States as having been the beneficiaries of grants of which the old States are deprived. The case is otherwise.

But again, sir: the grants to which he alluded, if they were made from any sound principle, were to increase the value of the property, and to promote the revenue of the United States. So far as grants of land have been made to construct railroads, merely on the general theory that railroads were a good thing, the Federal Government has violated its trust and exceeded the powers conferred upon it; but where a grant has been made of a certain portion of land, to increase the value of the residue, and bring it into cultivation, and by its product to promote the commerce and wealth of the country, and thus to increase the ability of the Government to bear its burdens, it rests on a principle such as a prudent proprietor would apply to the conduct of his own affairs. Thus far it is defensible; no further. The land grants to the new States for education rests on the same general principle, together with this: that the new States, sovereigns like the old, admitted to be equal, before taking both the eminent and the useful domain, entered into a contract with the other States, that they would relieve from taxation the land within their borders while owned by the General Government, and, since the credit system, for five years after the day of sale. This is the consideration for which land grants have been made to the new States; and a high price they have paid for all that has been granted for educational purposes.

So far as the swamp or overflowed lands were granted, they were granted upon the theory that the land was not only useless to the General Government until it was drained, but that it was injurious to the neighboring population; and that it was a duty on the part of the Federal Government to grant the land away, that it might be drained, and the nuisance which the swamp created upon the neighboring population thus be removed by the application of the overflowed land to that object.

In every case, so far as I am aware, in which grants have been made within the new States, they have come within one of these conditions. If frauds have been perpetrated, if pretenses have been adopted, and grants have been obtained under them, still, I say, they stand excused by the fact that this reason was presented; and it was necessary to practice delusion before the Government could be warped so far from the path it had previously followed.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. HUNTER and Mr. REID called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. JOHNSON, of Tennessee, when his name was called, said: I wish to state that the Senator from Michigan, Mr. STUART, who was an advocate and decided friend of this bill, is confined to his bed by sickness, and requested me this morning to pair off with him; and, that being the case, I shall not vote. Otherwise, I should vote against the bill.

Mr. TOOMBS, when his name was called, said: I have paired off with the honorable Senator from Illinois, Mr. DOUGLAS. He is for, and I am against, the bill.

The calling of the roll having been concluded,

Mr. YULEE said: If I voted, I should vote against the bill; but at the request of one of the Senators from Pennsylvania, Mr. BIGLER, I paired off with him, he being necessarily absent.

Mr. BRIGHT. I forgot, when I voted, that I had paired off with the Senator from Connecticut, Mr. FOSTER, who is confined to his room by indisposition. I ask to withdraw my vote.

["No objection."]

Mr. BENJAMIN. I have voted in the negative; but I am inclined to think that the Senator from New Jersey, Mr. WRIGHT, who is not present, considers that he has paired off with me. The Senator from Florida, Mr. MALLORY, thinks his pair was not with me; but I know it was with one of us. I ask leave, under the circumstances, to withdraw my vote. I know he relies on a pair with one of us.

The PRESIDENT *pro tempore*. The Chair will understand that leave is granted to withdraw the vote, unless objection be made. The Chair hears no objection.

The result was announced—yeas 25, nays 22; as follows:

YEAS—Messrs. Allen, Bell, Broderick, Cameron, Chandler, Clark, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Foot, Gwin, Hale, Hamlin, Harlan, Kennedy, King, Seward, Simmons, Thompson of Kentucky, Thomson of New Jersey, Trumbull, Wade, and Wilson—25.

NAYS—Messrs. Bayard, Brown, Chesnut, Clay, Clingman, Davis, Fitzpatrick, Green, Hammond, Houston, Hunter, Jones, Mallory, Mason, Polk, Pugh, Reid, Rise, Sebastian, Shields, Slidell, and Ward—22.

So the bill was passed.

Mr. IVERSON subsequently said: I was accidently absent when the bill making donations of land for agricultural purposes was taken up. If I had been present I should have voted against the bill.

Remarks of Jefferson Davis on the Indian appropriation bill. Feb. 2, 1859.

Mr. DAVIS. I think both in the proposition and in the argument, the great question which lies in front of all the details that have been adduced, has been overlooked. We should remember that the Indians bear to the United States the relation of ward and guardian; that the United States are not merely charged with the duty of protecting their citizens from outrage by the Indians, but they are also charged with the care of the Indian tribes. So far as my own knowledge of frontier life goes—and many of the best years of my life were spent on the remote frontier—Indian wars more frequently result from the aggressions of the whites than of the Indians. That, however, is not the question which we have before us; it is whether we will promote that species of strife between the Indian and the white man?

We have announced that an Indian tribe committing a depredation must be looked to for payment. You can hardly expect a strong frontier settlement to allow the Indians to escape punishment; and if this brings on a general war, the expense is to be borne by the Government. But in this first act, an Indian, for instance, steals a horse, and what follows? The white men pursue the tribe, and take twenty horses. Then a war results; murder, rapine, and arson mark your border settlements. Now, you have the power to restrain the white man from seeking to retaliate, by the assurance that the Government will indemnify him; that if there be an annuity, it will be stopped from the next payment to the Indians; and if there be none, the Government will pay it out of the Treasury. It is a method of preserving peace between the border inhabitants and the Indian tribes; and to strike this from the laws of the land, and leave Indians and frontier settlements to their own redress, can look to no ultimate result, unless it be the extermination of the Indian tribes. The expectation of being secured by the United States from pecuniary loss, restrains the white man on the frontier from seeking to redress himself, not against the Indian who committed the offense, but against the tribe to which he believes that Indian belongs. This is all it can attain—the Indian escapes.

I think we overlook too much in all the efforts which have been made, the relation which the United States bears to the Indians; and we are treating it now as though the Indians were a hostile power against whom we were called upon to protect our citizens. Keeping, then, in mind the double relation of guardian of the Indian tribes, as well as the protection of our own citizens, it strikes me that the law as it stands is, perhaps, better than anything which could now be supplied.

In relation to the transfer of the conduct of Indian affairs from one Department to another, I never expected anything to result from it except efficiency and order, and that care of the Indian tribes which will be secured by our frontier posts. I did not suppose the agents, and superintendents, and sub-agents, were to be dismissed. They are the proper machinery through which the Government approaches the Indian tribes. They constitute the permanent organ of communication between the Government and the Indian tribes. They will be necessary, however that department be administered. You could not require the officers on the frontier, whose relations are entirely temporary, who may be changed at an hour's notice from one frontier to another, to execute the duties of the United States towards the Indians, or to acquire that confidence of the Indians which is essential in their intercourse with our country.

If the policy of this reform, of this transfer, was to abolish all agents and sub-agents, I think it was most unwise. Looking to it merely as a mode of securing a constant relation between the Government and the Indian tribes, through troops who could approach the Indians where the agents were afraid to reside, I think it will be very beneficial. Looking to it as effecting a harmony between the agents who have intercourse with the Indians, and the troops who have to maintain them, by placing them all under the orders of one Department, I believe the result will be entirely beneficial. Therefore it was that I favored it, with no expectation, however, that a system was to be adopted by which we were to go with the strong hand to retaliate upon Indian tribes wherever an outrage was committed. I prefer far more that the United States, in their strength, should exercise patience towards these weak tribes. Whilst I look upon them as cruel and thieving, a race of men utterly below the white man, and never capable of rising to his level, I do not sympathize at all with those who invest them with the character of fiction, give them a noble character, and presume that they are always right; nor would I go to the other extreme and represent them as creatures to be exterminated by the power of the United States.

Remarks of Jefferson Davis on the Pennsylvania Avenue railway bill. Feb. 5, 1859.

Mr. DAVIS. I have an amendment which I wish to offer; to strike out in the first section the words "which grant this authority to certain specified individuals," and insert in place of them—

That the corporations of the cities of Washington and Georgetown are hereby authorized to construct, and lay down, a double-track railway, with the necessary switches.

The rest of the bill will then go on just as it is printed. My amendment simply substitutes the corporate authorities of Washington and Georgetown for the company named in the bill. I do this because, in the first place, the corporation of Georgetown have protested against granting the franchise to the parties named in this bill.

Mr. BROWN. If my colleague will allow me, I will say that they protest against a matter with which they have nothing to do; for there is no proposition in this bill to extend the road into Georgetown at all.

Mr. DAVIS. They protest against the bill for the construction of a road to Georgetown. They have something to do with it because they want the road constructed through Georgetown, and it has been argued here as though this bill was to furnish all the facilities within the District that are required. I am happy my colleague has now announced the fact that it does not do it. My amendment, however, is to give these facilities required throughout the District, throughout the cities of Washington and Georgetown, where persons connected with the Government reside as well as in the city of Washington, all of it being under exactly the same legislative power we have over the city of Washington. I hold that we are here acting as a Legislature over this District, and that we are bound by every obligation which rests on a Legislature elsewhere, not to grant away a valuable franchise to foreigners who come to avail themselves of it in this District, against the known wishes and supposed interests of the people of the District themselves. Yesterday, the Mayor of the city of Washington called on me and said that I was authorized to state, on his part, that three fourths of the property holders in the city of Washington would object to granting this franchise to any company instead of to the corporation of Washington itself; that he did not believe five

hundred votes could be obtained among the property holders of the city, if the question were submitted to them, in favor of this bill over one which would give the franchise to the city itself.

These are considerations, which, in my view, address themselves to the Congress as the Legislature of the District, appeal to our sense of equity, and point to the future interests of the District, over which we hold this legislative power.

Mr. BROWN. One word in explanation. I said that there was nothing in this bill which proposed to extend this road into Georgetown. There is not. The Committee on the District of Columbia, at one time, inserted a provision, that it should be carried into Georgetown, at some point named on High street; but that movement was not seconded at all on the part of the corporate authorities of Georgetown. We heard nothing from them, though they knew what was going on; and finally the committee instructed me, as its chairman, to withdraw the amendment. Therefore, Georgetown, as the bill stands, has nothing to do with it, simply because she did not ask to have anything to do with it, and did not even second the movement which we made. I have never heard a word from her citizens or her corporate authorities in regard to it.

Mr. DAVIS. A protest has been sent to Congress. My colleague has the same chance as the rest of us.

Mr. BROWN. If sent to us, it ought to have been sent, by whosoever hands it was brought here, to the committee having jurisdiction of the subject. We never heard of it before.

Mr. FESSENDEN. I can only say that I saw the Mayor of Georgetown this morning, and he expressed his great satisfaction at the ground I took the other day in favor of the bill.

Mr. DAVIS. The corporation address themselves "to the honorable the Senate and House of Representatives of the United States of America, in Congress assembled." The second paragraph of their remonstrance says:

"Having been informed that the House of Representatives had passed a bill at their last session authorizing some gentlemen of the State of New York to lay down, and construct, and build a railroad from the Capitol through Pennsylvania avenue to Georgetown; and having also been informed that the said bill is now in the Senate waiting the action of that body, and fearing that the said bill may pass the Senate, we consider it our duty to respectfully protest against its passage in your honorable body, as it will deprive the Metropolitan Railroad Company of the benefit of connecting their road with the Baltimore and Washington branch of the Baltimore and Ohio railroad."

And it then goes on to express their wishes.

Mr. REID. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. FESSENDEN. I wish to make an explanation before the call goes on, for fear some gentlemen may be misled by what I said. I stated that I saw the Mayor of Georgetown this morning, and that he expressed his satisfaction at my favoring the bill the other day. I have been called out since and learned that I was mistaken. I supposed that the gentleman who spoke to me was the Mayor of Georgetown. I have always known him as such—Mr. Addison—but I find that the Mayor has been changed. [Laughter.]

The call being concluded, the result was announced—yeas 19, nays 27; as follows:

YEAS—Messrs. Bates, Bright, Chesnut, Clingman, Collamer, Crittenden, Davis, Dixon, Fitzpatrick, Hunter, Johnson of Tennessee, Jones, Mason, Polk, Pugh, Reid, Slidell, Toombs, and Yulee—19.

NAYS—Messrs. Allen, Bayard, Bell, Broderick, Brown, Cameron, Chandler, Clark, Doolittle, Durkee, Fessenden, Fitch, Foot, Hale, Hamlin, Harlan, Iverson, Kennedy, King, Rice, Sebastian, Seward, Simmons, Thomson of New Jersey, Trumbull, Wade, and Wilson—27.

So the amendment was rejected.

Remarks on the Pennsylvania Avenue railway bill. Feb. 7, 1859.

Mr. DAVIS. Notwithstanding the numerous petitions which have been presented, I have been informed by persons who had some opportunity to know—and I confess in the outset I have none—that a very large majority of the property holders on Pennsylvania avenue are opposed to the passage of this bill; that very many of them desire that there should be no railroad at all upon the avenue. It is also believed that a very large majority of the property holders of the city are opposed to this bill. A proposition to refer that question, so as to discover what the fact might be, has met with no favor at the hands of the Senate. I think it is but just, if we are legislating so as to meet the wishes of the people of Washington and Georgetown, and that appears from the fact that we are legislating in answer to petitions, that we should know certainly, and not by this spurious representation, what the wish of the people of Washington and Georgetown

may be. It could only be determined by a vote; and, therefore, I think it is but proper that the Senate should have referred the question to the people before they attempt to construct on the avenue, and in front of the property of citizens, a road which is to them a nuisance. The Federal Government has lots in Washington city, and sells them when no such construction existed, and the purchasers afterwards object to it. I hold that this Government has no right to put such a structure there unless it be for some public use. It is not asserted here that it is for a public use; but it is only argued that it is in answer to petitions which have been sent in from time to time.

The amendment offered by the Senator from Maryland proposed to answer this local end, and, at the same time, to promote an object which was of public importance, by granting this franchise through the cities of Georgetown and Washington, to secure the construction of a road which would make a more rapid connection with the West, secure a more prompt transmission of the mails, reduce the price of all the supplies consumed in Washington and Georgetown, by facilitating the approach to this market, and thus confer a public benefit. I think it was a sound reason for granting the privilege, if it was to be granted to any corporation, to one that had these ends in view, rather than to another. The residents of the Mississippi valley, the Southwest and the Northwest, are all interested in this improvement; it is to them a matter of importance; and this corporation of the State of Maryland undertaking to construct this road from Georgetown to the Point of Rocks, where it intersects the Baltimore and Ohio railroad, represent the cities of Georgetown and Washington, by the fact that the stockholders, or the larger part of them, are citizens of Georgetown and Washington. This is an additional claim for the amendment over the grant which is proposed to some individuals not residing here.

Against this bill, too, we have had the petition of the corporation of Georgetown, in total disregard of which we are legislating. It will be remembered, also, that, in the newspapers and in the air, so that every man must have heard it, it is spoken of as a speculation; as a proposition to give by Congress a grant to a particular set of individuals, who would then sell it out to somebody who would construct the road. It has been stated to be worth from fifty to seventy-five thousand dollars as a thing to be sold in the market; and this the Senate seem determined to give away to men who surely have no claim on the legislation of the country. I hold, then, that public considerations are entirely in favor of the amendment which is proposed, unless it

be the will of Congress, and that has already been decided adversely, to give to the corporations of Georgetown and Washington whatever benefit may result from this passenger railway.

Against all this, however, it has been argued that something was due to the heroic virtue of the men who had lobbied a bill through the House, and brought it to the Senate; that something was due to the pioneer in railroads; that something was due to the fact that the persons represented in this bill had first conceived the idea of a passenger railroad in the streets of Washington. Now, sir, I have not seen at any time, nor can I now perceive, the obligation to reward the heroic virtue of lobbying around either House of Congress. I turn rather with shame and mortification from the fact that either House can thus be approached, and that it can constitute a reason for our legislation. In the very outset of this debate, we were told of the importunity of persons who wanted this charter; the importunity of persons, this company and others rival to it; and members proclaimed their desire to get rid of the further disturbance of their peace. I know not how it may be with others; I have not been disturbed; I do not fear that I shall be disturbed. I have seldom known a citizen who would attempt to instruct me in the performance of my duty, and never a man who would ask me to depart from what I considered proper, in order that I might subserve his pecuniary interest. Being exempt from such pressure, I have not felt the force of the argument, and would very much prefer to postpone the whole subject to a time when it may be more calmly viewed, my tendency being, as it has been, against the construction of any railroad on Pennsylvania avenue.

In 1854, when the subject was discussed, the House of Representatives decided that they would not permit a road to be constructed there. I think they then wisely decided that the connection between the depot at Washington and Georgetown should be made upon the back streets, and not upon the thoroughfare which connects the President's house and the Capitol. Looking upon Congress as the Legislature of the District, not elected by the inhabitants of the District, it seems to me there was peculiar force in the proposition of the Senator from Tennessee to learn the wishes of the people of the District in relation to the legislation we would adopt for them. They have no representative here, no delegate to speak for them; and when the controversy arose in the Senate as to whether the people of Washington and Georgetown desired this bill to pass the Senate or not, when views so very conflicting were entertained, it seemed to me to be

the natural corollary of that proposition, that we should refer to the people themselves the question, and ascertain the truth. If gentlemen are confident in their assertions that a very large majority of the people of this District desire this road to be built, then surely they lose nothing, save a very short time, by referring it to the people and allowing them to vote.

In relation, however, to the question of priority of claim, my friend from Iowa [Mr. JONES] has stated the history of the omnibuses in this city, and has destroyed all claim to the first introduction of omnibuses here by these parties. Now I propose to show that they have no claim to priority for this idea of a railroad.

Mr. WILSON. Will the Senator give way a moment?

Mr. DAVIS. Certainly.

Mr. WILSON. I move that the Senate adjourn. ["Oh! no."]

Mr. DAVIS. I hope the Senate is not to adjourn on the idea that I have a set speech to make.

Several SENATORS. Let us adjourn.

The motion was not agreed to; there being, on a division—ayes 9, noes 26.

Mr. DAVIS. I was going on to state somewhat the history of the application for legislation in relation to this particular matter. At the second session of the Thirty-Second Congress, a bill was passed, and approved March 3, 1853, granting the right of way through the District of Columbia to a company, whenever incorporated by the State of Maryland, to lay out and construct a railroad from any point in connection with the Baltimore and Ohio railroad, at or near the Point of Rocks, to Georgetown. The General Assembly of the State of Maryland, at the session of 1853, passed an act to incorporate the Metropolitan Railroad Company, to construct a railroad from Georgetown to Hagerstown, crossing the main stem of the Baltimore and Ohio railroad, near the Point of Rocks. Then the act of Congress which had anticipated this, induced the application to Congress on the 15th of April, 1854, of the board of directors of the Metropolitan railroad, who, by their president and secretary, presented a memorial to Congress, asking for the right to connect the terminus of their road in Georgetown, as fixed by the acts before recited, with the station of the Baltimore and Ohio railroad, in the city of Washington, by such ways, streets, and avenues, as that company might select. It was then understood that they would most naturally select Pennsylvania avenue. It was then the feeling, which has been expressed with so much force by my colleague in the course of this debate, that Pennsylvania avenue,

the most beautiful object of the city of Washington, should be preserved intact. A majority of the House then occupied the position which my colleague declared, but has not sustained by his vote, of opposition to laying down a track in Pennsylvania avenue. The consequence was, that the bill passed the House of Representatives on the 20th of December, 1854, granting the right, but excepting specially Pennsylvania avenue; but the bill was not acted on in the Senate, so that the Metropolitan railroad has not the right to enter the city of Washington. It has been asserted time and again, that the act giving that right existed. I have asked for the act time and again, and nobody has been able to find it.

In the Thirty-Fourth Congress, on the 11th of February, 1856, a similar memorial was presented, asking again to connect the terminus of the road in Georgetown, with the Washington depot, by such ways, streets, and avenues, as the company might select, and was referred, in both Houses, to the Committee on the District of Columbia. On the 15th of May, 1856, a like memorial was presented from the Metropolitan Railroad Company, by the Senator from New York, [Mr. SEWARD.] This year several memorials have been presented asking the Senate to amend the House bill now under consideration, by substituting the Metropolitan Railroad Company for the corporators named in the bill. The House bill (No. 541) for a railroad along Pennsylvania avenue, the one now before us, passed the House on the 25th of May, 1858, and was referred in the Senate on the 2d of June, 1858.

This constitutes the whole foundation of the claim which has been presented. This shows the opposition on the part of the Metropolitan Company, by the constant presentation of their case, the encouragement they had by the act of Congress to believe that in the fullness of time they would get this grant; yet now it is said that they come in as interlopers, to snatch the prey from one who has already nearly got it.

These memorials, presented in the Thirty-Third, Thirty-Fourth, and Thirty-Fifth Congresses, and appropriately referred, show that the Metropolitan Railroad Company has not come in at the eleventh hour. These memorialists also ask aid from Congress for the construction of the road within the limits of the District; but as an equivalent for such aid the Metropolitan Railroad Company offered to transport the mails, munitions of war, troops, public stores, &c., without charge to the United States. That is not asked for in this amendment. It having been found that capitalists and railroad contractors were not

willing to take hold of the work until the charter granted by the General Assembly of Maryland, in 1853, was amended, and the connection through Washington was obtained from Congress, the directors of the company concluded to suspend their work, which had been commenced in grading some two miles in Montgomery county, until these objects should be attained and the hard times in the railroad interest should become better. It has been stated that this amendment of the charter does not relieve them from the obligation to go to Hagerstown; but here a confusion has occurred in relation to the time when that amendment was made. The caption to the amendment represents it to be supplemental to the act of 1853. It was passed in 1856. It is the same which I had occasion to read from the other day to the Senate. At the session of the General Assembly of Maryland, on the 6th of March, 1856, the charter was amended as asked by the company, and Congress has been urged to grant the right to extend the road into Washington and make the connection with the Baltimore and Ohio railroad there. So far they have sought it without effect.

Since 1853, the engineer of the company has urged upon the directors the great importance of securing the valuable franchise of a track along Pennsylvania avenue as an auxiliary to the road, and it has never been lost sight of for a moment by the directors having that matter in charge, or by the engineer, whose opinion that such a franchise would insure the completion of the road to the Point of Rocks, has been confirmed by those of railroad engineers and leading railroad managers, so that it now comes before us with all this authority to sustain the opinion that the connection with the Baltimore and Ohio railroad depot in this city will expedite, and will probably secure, the construction of the road to the Point of Rocks. It has been argued, in the course of this debate, that that construction was an impossibility—a thing not to be attained. The amendment which is now presented is to show the good faith of that company, by putting them under obligations not to take this franchise with any expectation of profit from it, but to bind them to make no dividend until the road is completed to the Point of Rocks, thus securing the end which it has been so often asserted was not to be expected from any grant which could be made to the Metropolitan Company.

With these views, both as to all the claims which have been set up and the application to us to give something to these men who have been so successful in lobbying; and as to the public considerations which would prompt us to grant this franchise to

the Metropolitan Company, in preference to any other within this District, I have only to say that I have never before heard such laudation of men, who, in the pursuit of their own interest, have established a line of omnibuses to run in the city, and have afforded a sort of facility to it, it is true. Never did I imagine that we should reach the point in congressional legislation when it would be thought a reason for passing a law beneficial to particular persons, that they had been most active in urging their claim and procuring the passage of a bill through one of the two Houses of Congress. I hold it to be a curse in legislation, that such things as lobby men can ever be tolerated about either of the two Houses of Congress. I hold it to be an obligation on every member of either House of Congress to repel, as an insolent assumption on the part of any one who comes to instruct him in the manner in which he shall vote, or by soliciting to turn him from that path of duty which, as a representative, he is bound to pursue. So far, then, from giving a reward to encourage the collection of this swarm of lobby members, it constitutes with me an additional objection to the passage of the bill which is now before the Senate. I only again ask a vote of the Senate, without much encouragement from that which has gone before, for the substitute I have now offered, with the amendment I have attached to it.

Mr. BROWN. I have so often to-day, appealed to the Senate for a vote on this question on every point presented, that of course I am not prepared now to occupy any time; but my colleague said, a little while ago, that I had made opposition to this railroad on the avenue which I had not sustained by my vote. I thought I had explained that before. If I did not, I will do it now.

I was opposed to putting any railroad upon the avenue, and I am now; but I said, to-day, as I said on Saturday, that that opposition had not been sustained by any public sentiment, in the committee of which I am a member, in the Senate, or in Washington. As evidence of it, I cited the fact that the committee had instructed me to report the bill against my own sentiment; that the Senate had sustained it in every vote against my sentiment; and that in the city, the people almost unanimously had petitioned for it in one form or another.

I know there may be a majority against this company, as I said before, as there would be a majority against any other company. I said this morning, as I say now, that there are some six applicants for this franchise; and if you propose to give it to one of the six, the other five will combine against that one. You

may abandon this one, and take any other one of the six, and the remaining five will combine against that. But so far as my point is concerned, that there ought to be no railroad on the avenue at all, I have considered it as a foregone conclusion, not only by the sentiment of the committee of which I am a member, but the sentiment of the people of Washington, and the sentiment of the Senate. I gave it up precisely at the point where I felt I was not sustained at all by anybody, or by any sentiment that was worth standing on. I say to-day, as I said before, and I hope my colleague will take note of it, that if I had any assurance that you could crush this whole thing out, and that this beautiful avenue, stretching from the gate of the Capitol to the President's house, and thence to Georgetown, could be in perpetuity preserved against the innovation of railroads, that is my stand point; right there I will plant myself; but everybody can see from the sentiment of the Senate; everybody can see from the sentiment in the District of Columbia; that we are not sustained here, and not sustained by the people of Washington, in taking any such stand.

Mr. DAVIS. I understood my colleague before, as he asked me to take note of what he says now, that he declared himself opposed to the construction of a road on the avenue, and then I took note also that when we attempted to make amendments, when we proposed to postpone, he said that would be the death of the bill, and he struggled most manfully against that sacrifice of a measure to which he was opposed.

Mr. BROWN. And why, Mr. President? Because, as I said before, I foresaw that a railroad was to be put upon the avenue, and if it had to be done, I preferred these parties to anybody else.

Mr. DAVIS. I do not see that the Senator's explanation just a minute ago confirms the belief that a railroad has to be put upon the avenue. He says there are five against any one that may be favored in the bill. He describes it as a Kilkenny fight—a familiar sort of illustration which induces us to believe that they can destroy each other; and if that be the fact, then I think his end will be attained, exactly, by refusing to pass this bill, the only one which it appears has any chance to pass at this time, and allowing these contestants to destroy each other, and thus preserve Pennsylvania avenue in all its beautiful proportions.

I did not misunderstand the argument of my colleague; but I did not see, nor do I see now, how to match that argument with his vote. I do not perceive how it is possible to reconcile the

argument that we must not do something because it will destroy the measure, with the constant declaration that the purpose is a bad one. I am ready to lay it upon the table; I voted so to-day. To lay it upon the table is certainly to defeat it for this Congress; and if rival schemes will defeat it forever, it will suit me exactly.

Remarks of Jefferson Davis on the resolution relative to government expenditures. Feb. 12, 1859.

Mr. DAVIS. I cannot admit either the justice or propriety of this wholesale denunciation of executive officers. I think, before gentlemen assume to sit in judgment, to charge corruption and waste and extravagance, they should be ready to lay their hand upon the item. It does not become a Senator to arraign a high executive officer on charges of wasteful extravagance, implying corruption, unless he is able to vindicate the act to which he refers, and to challenge the examination of the charge which he makes. From day to-day, we hear this harangue on the subject of wasteful expenditure, and proclamation of love for retrenchment; but there is not a Senator here who does not perfectly understand that the only way retrenchment ever can be made, is by laying his hand upon the laws, finding where improper expenditures are made, correcting them one at a time, until the whole expenditure is reduced to a proper amount.

What, sir, could be more idle than the proposition of the Senator from Illinois to cut down the Army one half, without pretending to tell the Senate that a single man is unnecessarily posted? Does he expect us to accept a proposition to disband one half of the Army, unless he can first show to us that there is a larger number of troops now kept in pay than are required for the wants of the country? Do gentlemen expect us to call home one half of the Navy, in order that we may reduce expenditures, without first inquiring whether the Navy is necessary at the places where it is employed or not? This is not economy; it is not retrenchment; it is declamation; or, if it be followed by action, it is extravagance; for thirty days would not elapse after the disbandment of those troops, until you would be required either to fill their places with others, or to call out the vastly more expensive character of force, the militia, to perform the very service which those troops are now rendering. Nor, sir, would your vessels have been dismantled in your own dock-yards, before the requirements of the country would compel you again to put them in commission and send them into service.

Thus, I say, instead of retrenchment, it would entail vast expenditures upon the country, and inflict injuries from which it would require many years to recover.

I am no advocate of a large Navy; neither am I of a large standing Army; and when Senators choose to reduce one or the other, and will bring in statements to show that either or any part of either is unnecessary, then I shall be ready to vote with them; but upon this mere declamation for outside consumption, I am not prepared to act. Neither am I willing to say $50,000,000 are required to carry on this Government. I trust a less sum will suffice; but if more is required to perform the duties of the Government, and to maintain its honorable obligations, I am prepared to maintain it, and no man can lay claim to the wisdom which will enable him to-day to decide what the next year will require.

In looking to this question of retrenchment, looking at it as a serious practical affair, addressing it as a thing upon which the Senate did propose to act, I have prepared a bill and have been trying to get it considered; but if the time is to be consumed in mere declamation on the blessings of economy, without pointing to the particular item which can be reduced, nothing can be more apparent than that, instead of effecting anything, we are to end at the declamation with which we commenced.

Mr. CHANDLER. Mr. President, the Senator from Mississippi says that this is mere declamation, and that Senators should bring no charges until they are prepared to place their hands upon the spot. Now, sir, I am prepared not only to place my hands upon the spot of extravagance, but of crime in the Departments. I have a right, even under his dictation, to charge extravagance and crime. He says that we merely make general charges; that we do not place our hands upon the spot where retrenchment can be effected. Sir, I hold in my hand an official document of the Secretary of the Navy, in which he says that he has one hundred and one captains of the Navy, of whom eighteen are on sea-service; and yet there is no place for retrenchment! He says he has one hundred and thirty-three commanders, of whom only twenty-five are on sea-service. The average salary of these one hundred and one captains is $3,000 per annum, and you are paying $300,000 per annum for eighteen captains on the ocean. The average pay of the commanders is $2,000 per annum; and you are paying $266,000 a year to keep twenty-five of them on the ocean. True, a few of the others are engaged on shore-service; but it is perfectly well understood that you can get better service from civilians for shore-duty

than you can get from your antiquated naval officers. The object of the Department seems to be to find places to increase the pay of these captains and commanders. I do not know that the expenses of the Army and Navy can be reduced one half; but taking this official document, I believe they can be reduced more than one half, and render your Navy more efficient.

How is it with the Army—that great gulf in which your revenue has been swallowed up? Look at the official record on that, and you will see that there must be a place to apply the pruning knife. I see, by another official document in my hand, that the whole expenditures for your military services were: in 1851-2, $8,061,436 88; and in 1856-7 they were $18,614,394 10; and it will remembered by every Senator on this floor, that one of the first acts of the Senate, last winter, was to pass a deficiency bill, granting $5,700,000 for the Army. And yet the Senator from Mississippi declares that what we say is all generalities; that there is no chance, no possibility, of retrenchment. He informs us that he has introduced a bill, reducing these expenses $100,000. Why, sir, it is picking up pebbles from a great pile of rocks. Instead of $100,000 it ought to be $10,000,000: and I believe, to-day, an efficient committee can point out the way and the place to reduce the expenses $10,000,000 without diminishing the efficiency of the Army. These are no generalities. They are facts from official records.

I hope that the amendment, as originally offered by the Senator from California, will be adopted, and that a select committee will be appointed, not composed of chairmen of standing committees, who have no time to attend to anything but the duties of their present committees, but of members who have some time, and that they will take hold of the work, and apply the knife to the root of this evil; and I pledge you I will show them work enough for the first week.

Mr. DAVIS. The Senator from Michigan, in his impassioned reply, goes on to make specifications. Now, what are they? That there are more officers in the Navy than the Secretary has thought proper to employ in commission. How did the officers get in the Navy? By law; and the Senator, I believe, is one of the very men who voted for it. Its number is larger than is required in commission. What, then, is the extravagance of the Secretary of the Navy? Leaving them on shore instead of fitting out vessels for the purpose of employment? Far better had the charge of extravagance been made, if, to keep these officers on actual service, he had sent vessels to sea when none were required.

Then, sir, he says the expenses of the Army are the great gulf which swallows up everything, and he announces the grand aggregate. That is not the mode of retrenchment; and when I spoke of one mode in which the expenses may be reduced, he says it is picking pebbles from a pile of rocks. Pray, what constitutes the pile? The pebbles. Dollars are made of cents; millions are made of cents. It is by gathering these pebbles from the pile that you may hope to reduce it; not by reading aggregates of expenditures; not by announcing, in the same generality before criticised, that it is unnecesary; nor by employing denunciatory phrases, and terming it crime. If the Senator knows of crime, I say, again, let him bring the charge and its specification, and let it be inquired into. If the Senator knows of crime committed by an executive officer, it is not only his right, as he asserts it, but, in my judgment, it would be my duty, if I were in his place, to make the charge and specification, and ask for an investigation into it.

Mr. CHANDLER. Will the Senator excuse me for a moment?

Mr. DAVIS. Certainly sir.

Mr. CHANDLER. I merely wish to state that I should have presented the charge and called for an investigation ere this, had not the charge been brought in the other House, and an investigating committee appointed there, which is now at work.

Mr. DAVIS. If the other House is now engaged in an investigation before which an officer is arraigned, how shall we characterize an error by the act of a Senator who assumes to sit in judgment during that investigation, and to denounce the person who is there for the purpose of trial?

I say again, sir, if Senators really address themselves to reform, if their purpose is to do good, the only mode by which it can be reached is by laying their hands upon abuses, and in such a manner as is appropriate to the character of each abuse; seeking to correct it, one after another, great or small, until the whole has been effected. If the Army expenses are too high, it is not to be learned by looking at the foot of the table and reading the aggregate. It is to be ascertained by examining step by step, every expenditure, marking the one where extravagance has existed, or where the fund has been improperly applied. I am ready to meet this inquiry at any time, ready to follow the truth to its conclusion, to retrench where retrenchment can be made, to censure where censure is due; but let it come after the proof has been adduced.

Several SENATORS addresed the Chair.

Mr. IVERSON. I rise to a point of order. I call for the spe-

cial order, which is the Private Calendar, at one o'clock, that hour having arrived.

Mr. JOHNSON, of Tennessee. We have come so near passing this resolution, that I shall have to move the postponement of the special order for a few minutes, so as to get clear of this question. I hope the Senate will act on it definitely. There are some things which I should like to say, but I refrain from doing so, for the purpose of having action. At this late period of the session, what we want is action, not long declamatory speeches of any character. I move to postpone the special order until we can have action on this resolution.

Remarks of Jefferson Davis on the bill regulating pay of Army officers. Feb. 15, 1859.

PAY OF THE ARMY.

Mr. DAVIS. I ask the Senate to take up Senate bill No. 560, to regulate the pay of officers in the Army; the object being, if the Senate concur in the bill reported by the Military Committee, to have it passed before the appropriation bill for the army passes the House of Representatives, as some reduction of the estimates will ensue, and a modification of the appropriation bill will be required as a consequence of passing this bill.

Mr. REID. I dislike very much to come in competition with anything the Senator from Mississippi desires, but there is a bill before the Senate, which was reported at the last session, to amend the several acts now in force in relation to the Patent Office. It is a bill of a good deal of importance, and I should like very much to have it acted upon. I had expected to call it up this morning. I do not know what length of time will be consumed in considering the bill which the Senator from Mississippi proposes to take up.

Mr. DAVIS. None, if I can avoid it.

Mr. REID. I give notice to the Senate that I shall urge them to take up the bill to which I have referred, at the first convenient time.

The motion of Mr. DAVIS was agreed to; and the Senate proceeded, as in Committee of the Whole, to consider the bill (S. No. 460) to fix the pay, and regulate the allowances, of officers of the Army.

The Secretary proceeded to read the bill.

Mr. DAVIS. The bill being printed, and on Senators' desks,

unless somebody wishes to have it read, I suppose gentlemen had better refer to the printed bill. I ask that the reading of the bill be suspended, unless some Senator desires it.

Mr. JOHNSON, of Tennessee. I think we had better have it read.

The Secretary read it, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, the number of rations allowed to each grade of commissioned officers of the Army by the acts of March 16, 1802, April 24, 1816, and March 2, 1827, shall be commuted at the price fixed by the act of February 21, 1857, and the amount of such commutation shall be added to the pay of each officer, according to his grade, and that thereafter no other commutation for said rations shall be allowed.

SEC. 2. *And be it further enacted,* That the additional ration allowed to each commissioned officer of the Army for every five years of his service, by the act of July 5, 1838, and the act supplemental thereto of July 7, 1838, shall in like manner be commuted, and the amount of such commutation shall also be added to the pay of such officer, according to the length of his service: *Provided,* That said additional compensation for length of service shall not further accumulate after the period of forty years.

SEC. 3. *And be it further enacted,* That so much of the sixth section of the act of August 23, 1842, as allows additional or double rations to the commandant of each permanent or fixed post garrisoned with troops, be, and the same is hereby, repealed.

SEC. 4. *And be it further enacted,* That officers having brevet commissions shall not be entitled to any increase of pay or emoluments, because of the exercise of command according to their brevet rank.

SEC. 5. *And be it further enacted,* That officers of the Army while absent from their appropriate duties, either with or without leave, shall not receive the allowances authorized by the existing laws for servants, forage, transportation of baggage, fuel, and quarters, either in kind or in commutation, nor shall any allowance for servants or horses be hereafter made, either in kind or in commutation, unless such servants and horses shall have been mustered and inspected at such times and in such manner as the President may direct.

SEC. 6. *And be it further enacted,* That all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed.

Mr. KING. This bill was reported from the Committee on Military Affairs in response to a resolution asking that the compensation of officers of the Army might be fixed and defined by

an amount in money, instead of allowances. The third section provides that so much of the double rations as are allowed to certain officers mentioned in that section shall hereafter be disallowed. That section does not repeal all laws which allow double rations; but in the case of a brigadier general, and perhaps some other officers commanding in the field those double rations are allowed. I propose to amend that section by striking out all after the enacting clause, and inserting the following in lieu thereof:

That all laws or parts of laws allowing double rations to officers for the exercise of special command or the performance of certain specified duties, be, and the same are hereby, repealed.

The amendment which I offer as a substitute for that section, makes the operation of the bill complete, and abolishes all double rations. I trust there will be no objection to the amendment.

Mr. DAVIS. I concur very much in the amendment offered by the Senator from New York; but there are some considerations against it. There is only one point, however, which I think constitutes a valid objection to the amendment. A general, commanding a special army in the field, or any officer commanding a special army in the field, is subjected, whilst he holds that position, to extraordinary expense; and the double ration allowed to the officer thus commanding, I think, is no more than probably a just provision for the additional expense which he must incur. The motion of the Senator in all other respects, I believe, is just. For reasons which I hope will be appreciated, I rather avoid touching the allowances of the Commanding General. They were made by Congress while I was in the executive department. The amendment will include that allowance which the bill did not touch. It includes the allowances of the Quartermaster General, the Adjutant General, the colonels commanding geographical departments, and also includes any officer commanding a separate army in the field. I rather think it is right in every respect except that; but I make no further opposition to it.

Mr. KING. The object of this bill was to avoid compensation by allowances to officers, which was not a fixed compensation in coin, in money, except their ordinary and regular rations, which they receive in the field. One of the great difficulties in relation to the extra allowances made to officers, and made to individuals, in my judgment, is, that some favored officer, or some peculiar position of an officer, or condition of things,

induces an allowance by Congress of some extra allowance to some particular officer; and another one comes, and it is very difficult to make the distinction between them. He comes on the ground that he has as good a right to this allowance as the other party. In my judgment, if the general commanding in the field, the adjutant general, and other officers, ought to have an increased compensation, it would be better to increase their pay than to give them this sort of allowance.

My particular reason for desiring the adoption of this amendment is, that the law may be uniform for all officers of the Army in relation to their compensation, believing that, if this allowance is left to any officers, it will hereafter be made the reason for extending it until we get back to the old system. I would vastly prefer, if an allowance beyond the present compensation is to be made to these officers, or rather if this reduction is not made complete, that the change should be made by repealing the allowance of double rations and giving them so much as they expend, or as the character of their service may require, by the increase of their pay, and that they shall be allowed that increase hereafter, rather than have such an allowance.

Mr. MALLORY. I will ask the Senator, before he takes his seat, whether I am right in the supposition that the Department has a discretion in paying officers of the Army for any special duty performed outside of the regular pay-rule. I wish he would inform me on that point.

Mr. KING. The present law authorizes double rations to a variety of officers, and we have had at this session before the Military Committee applications from commandants of posts, and different officers, asking that this double ration may be extended to them, to whom the present law does not give it. So long as this allowance remains to anybody, it will be made a reason for the grade which comes nearest to the one which is allowed it, to ask that it be extended to them. The object of this bill is to fix a uniform mode for compensation to all the officers of the Army, though there are a few exceptions retained by the Military Committee. But, upon consultation, I offer this amendment, believing it to be proper, and hope that it may meet the acceptance of the Senate.

Mr. SHIELDS. I ask for the reading of the amendment.

Mr. KING. I will ask, so that the Senate may have an opportunity to see the difference, that the section proposed to be stricken out and the amendment be read. That section provides for the repeal of most of those allowances, but not all.

The Secretary read the third section of the bill and the amendment of Mr. KING:

The amendment was agreed to.

Mr. DAVIS. I propose to amend the bill in the second line. It now reads, "that from and after the passage of this act." I move to strike out those words, and insert, "that from and after the 1st of July next," so as to make the operation of the bill begin with the fiscal year.

The amendment was agreed to.

Mr. MALLORY. I desire to ask the chairman of the Committee on Military Affairs, whether an officer of the Army now performing special duty, under the orders of the Department, for example, doing duty combined with a commission from the Navy, receives any extra pay under the orders of the Department, or usage of the Department, other than that stipulated in the law. I do so, because I find that the act of 1842 says:

"SEC. 2. *And be it further enacted,* That no officer in any branch of the public service, or any other person whose salary, pay, or emoluments, is, or are, fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of the public money, or for any other service, or duty whatsoever, unless the same shall be authorized by law, and the appropriation therefor explicitly set forth that it is for such additional pay, extra allowance, or compensation."

Mr. DAVIS. I will answer the Senator from Florida that that act of 1842 has always been considered obligatory in the War Department, and I know of no case where such an allowance as he speaks of has been made from the appropriation for the support of the Army. I do not know officially that it is made anywhere. However, I have been informed that other Departments having the service of officers of the Army, do make certain allowances to them. In the administration of the War Department, so far as I know, from the date of that act down to the present time, there has been no such allowance made to an officer of the Army.

Mr. HALE. I desire to suggest an amendment to the bill. I am not versed in military matters, and do not know exactly how to act. I want to put a proviso on the bill that the total pay and allowances of a Brigadier General shall not in any case exceed $5,000 in time of peace, except for actual travel and transportation of baggage.

Mr. PUGH. Leave out the baggage.

Mr. HALE. Well, I will leave that out. If that amendment be adopted, I have one or two more of the same beneficial sort.

Mr. KING. What is the present allowance?

Mr. HALE. I find that, by the present allowance Brigadier General Wool received $8,854, General Smith $8,189.

Mr. DAVIS. I would ask the Senator from New Hampshire to look at the table from which he reads, and see how that sum is made up over and above the sum of $3,904.

Mr. HALE. Well, there is $529 for fuel and $684 for quarters. There is $1,200 made up from fuel and quarters.

Mr. DAVIS. I would say to the Senator that I have no doubt he and I concur as to the object he has in view; but I want to point out to him that, instead of effecting it, he will achieve exactly the reverse; that instead of those quarters which he there finds commuted, and commuted at eight or nine dollars, according to the locality, if he succeeds in adopting an amendment so as to strike off the commutation for quarters, which he has just read, in the gross sum, the effect will be that the officer will require the number of rooms allowed by regulation to be rented for him, and in many places it will cost more than the present commutation allowance which the Quartermaster General gives. So of fuel. Those officers are separated from the troops. They have not the power to purchase fuel and supplies as if they were serving with troops, and if you make a purchase for that separate officer, by some one who must be intrusted with it, I think he will find that he will entail a larger expenditure upon the Treasury than the commutation.

Mr. HALE. Well, Mr. President——

Mr. DAVIS. One word more, if the Senator pleases. These commutation allowances for quarters, and the allowance for quarters, are not a thing which requires legislative action. It is under Executive control. If the Executive meets the wish of Congress, it is perfectly within his power to correct any abuse which exists in relation to quarters; but, as I said on a former occasion, this action must be by the coöperation of the executive and legislative departments or you can never achieve a good result.

Mr. HALE. Well, Mr. President, I withdraw the amendment in the confidence I have in the judgment and knowledge of the chairman of the committee, and we will see how it operates this year.

Mr. DAVIS. I do not say that there is not sometimes abuse in the commutations, but I think if we seek to correct them in this form we shall only make them worse.

Mr. HALE. I withdraw the amendment.

Mr. PUGH. I move to strike out the first section after the enacting clause, and insert what I send to the Chair.

Mr. HALE. I want to offer another amendment, if the Senator from Ohio will allow me.

Mr. PUGH. I give way to the Senator from New Hampshire.

Mr. HALE. I will try one other amendment. I want to put in a proviso that the pay and emoluments of the Lieutenant-General shall not exceed $10,000 per annum.

Mr. DAVIS. I am sorry always to interpose against the wishes of the Senator from New Hampshire, but I assure him that, instead of securing the very thing which he is attempting to do, he is pursuing the opposite road to effect it. Under the bill there is no allowance for brevet command; there is no brevet pay.

Mr. HALE. Well, I back out again. [Laughter.]

Mr. PUGH. Now I move my amendment to strike out all after the enacting clause of the first section, and insert:

That the act, entitled "An act to increase the pay of the officers of the Army," approved February 21, 1857, be, and the same is hereby, repealed; and from and after the 30th day of June, 1859, the pay and allowances of all officers of the Army, including military storekeepers and chaplains, be that prescribed by the laws formerly in force, except as hereinafter provided.

We increased the pay of the officers of the Army while we had a full Treasury. Now we are asked to equalize the pay of the officers of the Navy by bringing it up to the same standard. I wish to try the experiment of equalizing downwards for once. We have now not only no surplus, but a deficit; and how can we resist the prayer of the naval officers, if we maintain the pay of the Army officers at these rates, to bring them up to the same sum? I believe the pay of our Army is higher than that of any other army—unnecessarily so, especially in the higher grades; and I have never known the day when there were not from ten to twenty applicants for every vacancy in the Army. But, sir, as these are the days of retrenchment, when we have a deficit, I think this is a good place to commence. I admit, that after we reduce the pay of Army officers, it would be a very good proposition to reduce our own pay; and if this amendment carries, I shall bring in a bill to reduce our own pay.

Mr. IVERSON. We increased the pay of officers of the Army a few years ago, not for the reason assigned by the Senator from

Ohio, not because we had a surplus Treasury or an overflowing Treasury, but because the expenses of living and maintaining their position had so largely increased; and that is the reason why we increased our own pay. It was not because we had a surplus Treasury, but because the expenses of living had increased with the advance of the Government, and that is the reason why the pay of the officers of the Army was increased. Sir, if you cut down their pay, you must necessarily drive out of the service all the best officers of the Army, and fill it up with mere trash. That will be the consequence of the amendment if it passes. Before the increase of pay, a number of the most intelligent and useful and honorable officers of the Army were driven out of it, because they could not support their families and themselves for the pay then allowed. The price of living, of everything, had advanced so much that the officers could not maintain themselves, and, therefore, many were driven out of the Army; and that must be the result now, if you diminish their pay. After the increase of their pay, there was a great reduction of the resignations. The officers were content, and staid in the Army, and are willing to stay in the Army, provided you leave the pay as it is at present; but the very moment you cut down the pay to the former standard, the intelligent and useful officers of the Army will resign, and their places will be filled up by men willing to take a mere pittance for the purpose of having employment at all; men wholly unqualified to do credit to the country and honor to themselves. I trust the amendment will not pass.

Mr. PUGH. We had a surplus in the Treasury at that time, and the country was in a general state of prosperity. I suppose that helped to make the price of living much higher than before. Now the country is in a state of embarrassment, and, I take it, the expenses of living have subsided a little. It is very singular that the expenses of living of public officers are the only expenses that never come down. As I heard a very intelligent Representative from Virginia say in the other House, if you take the statement of members of Congress, you would imagine that the prices of living were rising every minute. Our constituents have had to retrench, and I think it is high time for us to retrench, and for all other public officers. The expenses of the Army and the pay of the Army have become such that the people are alarmed, and with reason alarmed. The pay of the lieutenant general exceeds that of any officer of the Government except the President. The pay of a major general is greater than the pay of the Vice President, or any member of

the Cabinet. The pay of a brigadier general is greater than that of any Cabinet officer, or of the Chief Justice of the United States. And where are all these officers? There are three corps here, in this city, that ought to be abolished, or reduced into one. They are holding civil employments, many of them; and I tell you, Senators, you will never reduce the expenses of the quartermaster's department until you put Army officers out of it and put it in the hands of civilians. It is a duty to be performed by civilians; and, when they send us enormous estimates for the transportation of the Army, I want power to hold the officer accountable for such acts; but, as long as you leave that department and the commissary's department in the hands of officers with commissions for life, you may talk retrenchment until doomsday afternoon, but you will not accomplish it.

Here is a corps of engineers, and a corps of topographical engineers; and what for? Half the number of officers could do the duties of both. And here is a corps of ordnance, to perform a duty that in nearly every other service, as I am informed, is performed by the artillery. We do not want these regiments; they are unnecessary.

The Senator from Georgia says that Army officers have retired. They will retire whenever they can make more at any other employment; and I do not doubt that a great many of them have been offered employment as civil engineers by railroad companies, and by others, and have resigned. I have no doubt you could keep them all in the service if you increase the pay; but the Senator says we shall have incompetent officers. How will that be? Nine-tenths of them have passed through the Military Academy; and if that does not make them competent, let us abolish the academy. But it is the old story from the first. We can retrench all the time, until we come to the interests of individuals. I think this is the time to begin, and I say again, I acknowledge that we ought to begin at home; and if this amendment carries, I shall bring in a bill to reduce the pay of members of Congress.

Mr. WILSON. I hope that the Senator from Ohio will withdraw the amendment. This bill has been carefully prepared by the Committee on Military Affairs. It is a bill for retrenchment. It will reduce expenditures. It is a good bill, that ought to receive the sanction and approval of every member of Congress. If we load it down with a proposition of this character, I fear the bill will not become a law at this session. I would suggest to the Senator from Ohio, who takes generally, on questions of expenditure, a position that I can follow and approve,

to withdraw his amendment, introduce it as a separate bill, or put it, if he can, on the Army appropriation bill, or somewhere else. This is a bill well prepared, carefully guarded. It will introduce a real reform, and I hope no amendment will be made that will prevent its receiving the sanction of Congress at this session.

Mr. MALLORY. I feel an interest in this subject, because I know that the pay of a sister-service will have to be increased at the next session of Congress, if the country designs to keep up a Navy. I think the Senator from Ohio is entirely mistaken in his statements. I do not know from what table he gets his information of the exorbitant amount of pay given to the officers of the Army; but he is mistaken, and I will assure him of it. If he will consult the table properly made out on this subject, he will find that it is so. There has been a great notion that the officers of the Army are receiving extravagant pay. You had them down to starvation point; you had them in a condition where to live they had to quit your service; and the higher the talent, and the more efficient the officer, the greater the probability was that you would lose him: in other words, the very officers you desired to retain in your service were those who could find better employment out of it; and now, the pay they have barely furnishes them with the means of living. No officer of the Army can save anything for a rainy day. None of them can lay up money.

Mr. PUGH. I will state to the Senator from Florida that I got my information as to their pay from the official sources of the War Department. It is carried out in figures of pay and allowances. I understand that the Navy officers get a fixed salary. The Army officers get their pay in a way that Congress can never understand.

Mr. DAVIS. If the Senator from Florida will allow me, I will say to the Senator from Ohio, he adds in, to make up that gross sum, allowances which are made and which do not equal the expenditure devolved by the act from which the allowances flow. As the officer is required to do a particular thing, a certain sum of money is given to him, and that sum of money does not cover the expense incurred in performing the duty, and yet it is added in making up that report.

Mr. PUGH. It may be; but I take the Senator's report at the time he was Secretary of War, and at that time I find that a brigadier general's pay exceeded $8,000 a year.

Mr. DAVIS. You took a report which was made under the instructions of Congress, and that does not reach results fit for

legislation. Those reports are made every year, and are delusive in their character, because Congress required them to be made in that form.

Mr. MALLORY. A printed paper has been circulated, well calculated to deceive the public as to the amount of pay the officers of the Army receive, by taking the greatest possible amount which an officer of the Army can receive as commutation and as double rations—sums which he has expended before he has received the money, and putting that down as his whole pay.

Mr. DAVIS. I have a table here, which is authentic, and which I would like the Senator from Ohio to read. The little pamphlet he is looking for will not give him the information on which he ought to act. I tell the Senator from Ohio that if he finds the little pamphlet I handed to the Senator from New Hampshire, it will not give him the information on which he could act. He will find there commuted how much an officer received for traveling. If he travels on the remote frontier, the expense entailed by the journey will exceed the allowance of ten cents a mile—exactly what he receives. He will find there stated, in dollars and cents, the amount allowed to him for forage. The Senator knows that if he keeps a pair of horses in this city, it will cost him thirty-six dollars a month; and an officer of the Army, for keeping two, receives but sixteen dollars. He has then to pay twenty dollars more than he receives; he has to buy the horse and equip him at his own expense, and take all the hazard of his loss. It is not an emolument, and he will find that the aggregate sum on which he relies is made up exactly of such cases as this.

Here is a table in which, even adding the forage, and adding all allowances, except the service ration, fuel and quarters, and traveling allowances, the pay of a brigadier, which the Senator exalts above that of our Presiding Officer, is carried out by the Paymaster General at $3,904. In this sum are included all allowances commuted, except the occasional allowance for fuel and quarters and traveling allowance. These are allowances for which he gets nothing, unless he travels under orders from superior authority; or unless he is unable to get public quarters, and is compelled to occupy private quarters. As to the service allowance, it is one which comes in the train of long service; and is one of the best modes of compensation which the Government could adopt. It enables them, in time of peace, to retain their most valuable officers, by giving the increased pay due to length of service; and in time of war, when we are compelled to sup-

port a large army, it enables us to support it at the low rate of pay which exists when that service allowance is stricken off. It is a wise scheme devised for adequate payment at a time when the high inducements which belong to the glories to be reaped in war do not exist; and which yet leaves the low scale of pay when war comes, and large armies must be supported.

The Senator's criticism in relation to the staff is quite unjust. It is that special training of the staff which has given such efficiency to our Army. The Senator knows from experience how, in a foreign country, destitute of supplies, there was not a marching column that was not followed by a commissariat equal to all its wants. Where, in the history of foreign warfare, does a parallel case exist, and to what is this to be attributed? The efficiency of the commissariat and quartermaster's department. Alike unjust is his criticism on the engineers. That there may be some of them not quite efficient—that some reduction would ensue if all the inefficient officers were stricken off—is true; but that they are not in excess, is shown in the constant employment required of every officer of the corps who is able to do duty.

Still less can he defend his criticism on the ordnance corps; and when he points to other services, where the duties of the ordnance corps are performed by the artillery, let me tell him that the British service came here to learn how to make their small arms, and went into our armories to get the instruction, and carried home the plans of our machines. They sought from our Government, and obtained as a favor, models of our small arms to carry home for the imitation of their Government. Never, in any country, was an ordnance service brought to a higher state of perfection than in our own; not even the French, where they are trained through schools of application, and where their small arms show a very great deficiency compared with those of the United States. That something of this is due to the inventive genius and the mechanical skill of our people, I admit; but it requires the directing mind and practical genius of ordnance officers to apply these, and bring about such results as the United States have attained.

This wild hand of retrenchment, that walks in without examination, and attempts to sweep away imaginary difficulties, will always bring in its train far greater evils than it was possible to remove. It is not by taking a table prepared to satisfy the inquiry of Congress as to whether there be abuses in relation to transportation and the commutation of fuel and quarters, that the pay of the Army is to be learned. The officer on duty with troops gets no commutations of this kind. The officer on the

remote frontier, living under canvas, or living under a hut which he helps to erect, has no commutation of fuel and quarters. The troops get their fuel, and they live in such tenements as they can provide for themselves. Here and there an isolated case may be found, few in comparison with the whole body of troops, where there is a large amount of travel by an officer during the year. Remember this is always done under orders; it is not at the option of the officer; and when he changes his station he loses thereby all the furniture he had collected at the place where he was serving, and is compelled to satify himself by the difference between sale there and purchase at the place to which he is ordered. It is not an emolument. It is delusive, I repeat, to take these tables and present them as any measure of the pay which officers of the Army receive. At the service of the Senator, I offer this table, prepared at the office of the Paymaster General, and here he will learn that these extravagant allowances of which he speaks do not exist in fact. There he will see that even when commuted, allowances which entail expenditure, instead of being an emolument, reach no such sum as he has stated.

Mr. PUGH. Mr. President, do I understand the Senator from Mississippi to say that although we pay a brigadier general, as stated in the document read by the Senator from New Hampshire, over eight thousand dollars a year, only $3,000 is his pay proper?

Mr. DAVIS. There is his pay proper; there are all his rations commuted; all the compensation he receives for service, all the compensation he receives for forage of his horses, commuted and carried out into the last column of this table. There is nothing beyond that, save fuel and quarters, and traveling allowances, and service rations, which a brigadier general does not get at all under the old law, and which, under this, it is proposed to give him.

Mr. PUGH. Now, then, it is perfectly certain, that, according to the warrants paid at the Treasury office, there is paid out, on pretense of compensating a brigadier general, over eight thousand dollars a year.

Mr. DAVIS. Not compensation.

Mr. PUGH. Well, there is paid out, under pretense of keeping a brigadier general in existence, in some shape or form, over eight thousand dollars a year.

Mr. DAVIS. It does not matter whether he is a brigadier general or a second lieutenant, if he travels under orders, he gets ten cents a mile. Transportation does not belong to his grade.

Mr. PUGH. Here are two officers, named General Wool and General Smith, and to keep them in our service, during the fiscal year, over eight thousand dollars was paid; paid on their signature for their expenses or their salaries—I do not care how you put it. They cost us that, they and their services; and yet the Senator says only $3,904 50 was their pay proper. Thus it appears that the allowances are immensely greater than the pay—like the interest on some of the claims which is much greater than the principal.

Mr. DAVIS. I think the Senator will probably have his errors corrected if he will turn——

Mr. PUGH. I am always happy to be corrected.

Mr. DAVIS. The error will be corrected if you turn to the pamphlet itself. Here are three brigadiers general in commission. The first has $8,854 52 carried out opposite his name; the second has $3,433 66 opposite his name; the third $8,179 89 opposite his name. The difference in these sums ought to have warned the Senator that this is not salary, and ought to have induced him to look for the manner in which it arose. If he had looked he would have found that one got $500, another $461 80, and the third $86 for transportation of baggage; that is, the officer traveling under orders where it may have cost him more, or may have cost him less, got that amount for that specific thing. Then he would have found under the head of quarters, that one had $684, another $83 35, another $144. This results from the fact of one of them always occupying private quarters, for which he got a commutation allowance, sometimes, perhaps, at too high rates—I do not pretend to justify it; the next occupying frequently public quarters, in which he got no commutation; the other sometimes occupying public quarters, for which he got no commutation; and hence the difference. Then for fuel, one had $521, another $9 31, another $284 97. The one who got $9 31 was generally on duty with troops, and therefore did not get commutation allowance for fuel.

Would not the Senator infer, from all this, that the last column was not salary, and that his attention ought to be turned to the next? When he reached the next, finding a great difference, what should he have inquired into? Into the items making up the second aggregate. There he would have found forage, and there he would have learned that forage is commuted at eight dollars per month, and that an officer must be stationed in a favorable location if he can support his horse for eight dollars per month; instead of which, he is sometimes stationed at a place—Fort Laramie, for instance—where corn is not unfrequently

worth five dollars per bushel. How, then, does he treat this as emolument, and add it up in the gross amount of the officer's pay? There is also the allowance for servants. The Senator knows if he hires servants in this city, he must pay for them more than the allowance of the officer. The rest is composed of rations and pay, and these two together constitute, in fact, the emoluments of the officer, and make no such sum.

Mr. PUGH. I do not design to be led so far astray—not that I impute any such design to the Senator—from the remarks I intended to make, into the question of how, in point of fact, these allowances or emoluments are made up. I consider that my argument is strengthened by the suggestion which the Senator himself has made, that here is one officer of the Army allowed about six hundred dollars a year for house rent or quarters, and another but nine dollars a year; and yet——

Mr. DAVIS. Did the Senator hear me state why that was so?

Mr. PUGH. Yes, sir; the Senator said one of them was allowed public quarters, and the other was paid for house rent. That was the amount of it. The reason the expenditures of the Army have increased to their present enormous proportions is just exactly the fact that their accounts are made up so that no person, except an Army officer, can understand them. The Navy is made up by fixed sums; you abolished all the rations and emoluments of the Navy; you gave them so much on duty, and so much off duty; but when you come to touch the pay of the Army, their pay proper is but a song, and their allowances are like the commentaries of Lord Coke upon Littleton; they are greater than the original itself. When the proposition was made, in 1857, at the time this act was passed, by the Senator from Virginia, [Mr. HUNTER,] to give Army officers salaries, so that Congress could know what they really did receive, it was hooted out of this Chamber altogether. It is immaterial to me whether the officer travels under orders, or without orders. It is perfectly evident that it costs the Government more for a brigadier general than it does for the Chief Justice of the United States. They are very expensive institutions; and I think they require the amending hand—not only the brigadiers, but the majors.

Is there any other officer of the Government whose expenses we pay in addition to his salary? Do we pay the expenses of the Secretary of State, and then his salary besides? Why should we do it with the Army? Why not give them a gross sum for their services and their expenses? Make it anything you please,

that is reasonable. It is perfectly certain that the gross amount of these sums is unreasonable.

Mr. DAVIS. If the Senator will allow me, I think I can correct an error into which he certainly falls, or I am more deceived than I ever was on such a question. If his proposition were accepted what would be the result? Either that we adopt the pay which is sufficient for an officer who does not travel, and therefore render it improper to order an officer to travel, as he would not have the means to go; or else we adopt a pay which will cover the traveling expenses, and run up the gross aggregate to a sum we cannot afford to appropriate.

Mr. PUGH. If the Secretary of War chooses to abuse the discretion reposed in him, and keep the officers traveling all the time, I do not know that there is any way to stop it, unless you impeach him.

Mr. DAVIS. How many cases do you find of any large allowance for travel?

Mr. PUGH. I think the sums of these two brigadier generals were very large.

Mr. DAVIS. But those are two cases.

Mr. PUGH. I know they are two cases; but they are two cases out of three, for there are but three brigadiers. But the Senator states that while the officer is on service in the field, when his expenses are greater and his services are greater, he gets no allowance for fuel and quarters; but when he comes to Washington city, to spend his time here in the arduous campaign duty of attending dinner parties and the like, then he gets fuel and quarters.

Mr. DAVIS. No, sir.

Mr. PUGH. I understood the Senator so.

Mr. DAVIS. No.

Mr. PUGH. The Senator accounted for the difference by saying one officer was in the field. I am sorry to have misunderstood my friend.

Mr. DAVIS. An officer on leave gets no allowance for fuel and quarters, and never did.

Mr. PUGH. Are the officers in Washington city on leave?

Mr. DAVIS. Some of them are; a great many of them are.

Mr. PUGH. Very few of them, judging from the pay table, are.

Mr. DAVIS. But the Senator has not labored the subject, or he would not speak as he does. The pay table contains nothing about fuel and quarters. It is obtained from the Paymaster General; and you do not find in that table anything about fuel

and quarters. It is not a part of that sum which they derive from the paymaster, or from the appropriation for the pay of the Army.

Mr. PUGH. I know that.

Mr. DAVIS. It is idle to go there to look for it.

Mr. PUGH. That is just what I complain of, that here the paymaster undertakes to give them a certain gross sum of money; and tables are brought, and we, in our simplicity, might suppose that was all they got; but we find the Quartermaster General paying——

Mr. DAVIS. I am sorry to interrupt the Senator, but he would be exceedingly simple, indeed, if, when it is arranged in columns, with a head to each column, he would infer something not written there.

Mr. PUGH. I would infer this: here it is: "Table shewing the amounts received by the several grades of officers of the United States Army for pay and emoluments; also the allowances to which they are entitled for servants and horses, if actually kept in the service." The Senator with his very great experience, not only in the field, but in the War Department, might understand that; but, I venture to say, that nine Senators out of ten here present, reading that caption, would suppose this table showed all the officers got. The act of 1857 added to the pay, proper, of every officer in the Army; it increased the price of the ration——

Mr. DAVIS. If the Senator will only read this table, I think he will speak differently.

Mr. PUGH. It has a note: "In addition to the above, there is allowed service rations to officers of the Army, which, by commutation, give increase to the pay of officers now on service, as follows, &c." I do not object to the service ration; but that is not all. Fuel and quarters are still to come, and they come from the quartermaster's department.

Mr. DAVIS. And there are the traveling allowances. As the Senator is in pursuit of information, let me tell him the transportation is paid by the Quartermaster General also.

Mr. PUGH. Very well. It makes no difference to me under what name it is paid; that is perfectly immaterial; it is money paid out of the Treasury of the United States; that is certain. The name does not help it. I say that if we are compelled to pay for the institution of a brigadier general, in any shape or form, more money than to the Vice President of the United States, it is high time that the business was overhauled. It is paid, too, in the most objectionable place. These sums are paid

through the quartermaster's department; and I say again you will never have the expenses of the Army reduced any calculable sum, while you allow the quartermaster's department to remain in the hands of an Army officer, with a commission for life.

I said that I did not think there was any use for the engineers. I do not. The Senator says they are all employed. Yes, you can employ them all. Here is one of them employed in the Capitol, discharging the duty of an architect or superintendent. There is another one employed at the Treasury building, discharging that duty. Is that what we keep up the Military Academy for? Is there anything requiring any particular genius to go into the military service of the country? We had no use for them for forty years, except to fight the Indians, and in a short war with Mexico; and at the beginning of that war I think we had a little more than six thousand men. You had to call forth my friend from Ohio, and other patriotic citizens throughout the Republic, to carry on that war; and I would not have our battles fought by anybody else, if I could. It is true, I have not been able to get any one here to agree with me; but I would not have one regular soldier in the Army of the United States. I know them to be unnecessary; I know them to be useless; I know them to be hurtful to the public; but if, against my wishes, you will have them, I will put their salaries upon the true basis; and that is, to pay them what the same description of talent in the United States is worth.

The Senator from Mississippi, in answering my friend from Ohio, speaks of our position; and he says he should commence at home. That is a general way to prevent a reformation of all abuses. Probably a great many gentlemen who would go for this would not vote for that. But a brigadier general's compensation is now greater, year by year, than that of a Senator. I think it requires as great qualifications to govern this country, as it does to be a brigadier general and command a brigade, especially in time of peace, which, as I said, existed for forty years, and, in fact, has existed ever since the Revolution, with the exception of five or six years. A man who enters the Army may expect to attain a generalcy, if he lives long enough, and gets an occasional increase of the force. It has increased far beyond the wants of the country, and, for this reason, you educate them under your vicious system of appointment; it is not the fault of the Army. Members of Congress, from the different districts, appoint them; and they are generally associated in some way, as brothers, sons, or cousins, with the governing

power. It is natural and honorable in them to want promotion. Admitting them to be governed by the most patriotic motives, it is a very proper object for their ambition; but I say, when you educate lieutenants at your own expense, a salary of $600 or $700 a year would be fully equal to the value of that much character and education and talent in the civil pursuits of life in the United States, on the average. A position in the Army is worth a great deal more. It shackles accidents, and bolts up change. It is for life.

I have not gone into a minute estimate since the new regulations; but I presume, according to the way in which the value of a commission is valued in England, the commission of a lieutenant in the Army, who graduates at West Point and goes into the engineer corps, cannot be worth less than $50,000. I should suppose it to be worth that much, looking to general principles, and the mode of estimating the value of a commission in the British service, according to the actual prices of things with reference to the value of money, the amount they get as lieutenants, captains, majors, and colonels, and the chances for promotion. That is to say, taking all the elements of what is called the regulation price in England, a commission in our Army cannot be worth a dollar under $50,000. We can, in my judgment, get men cheaper than to educate them at the public expense, and hand them over a commission whose market value is worth $50,000.

I have stated that the lieutenant's pay in my opinion is too great. So the pay of the captain is far beyond what the same talent and intellect will get in the ordinary pursuits of life. One half the States of this Union, where they require the highest intellectual ability, the highest integrity, the highest qualities a man can have to sit as a judge—and many of the gentlemen around me have occupied for a large portion of their lives those honorable stations—do not pay them more than fifteen or sixteen hundred dollars a year, with no allowance for traveling expenses. I think $2,000 for a circuit judge would be the average price in the United States; in fact that sum is rather above it so far as my general observation goes; I have not brought it down to minuteness; I am only giving an approximation according to my general knowledge of the country. Take the other pursuits of life; take medicine, take the learned professions, take scientific pursuits, and I say there is no class of men that I know of in the United States who are paid anything like the amount paid to our Army officers. I say, then, I will cut down their salaries because they are too high, because they are above the

value of that sort of talent. I do this with no opposition to the Army, with no desire not to give its officers every dollar they are fairly entitled to; but for that sort of knowledge, that sort of education, and that sort of ability, the compensation is beyond that of all other pursuits of life, and ought to be diminished. Hence, I say, I will support with pleasure the amendment of my friend from Ohio.

Mr. DAVIS. The Senator from Georgia goes over the same argument with the Senator from Ohio, and is to be answered with the same facts. He takes the position that a brigadier general is better paid than a Senator. The fact is, that the pay is not so much, and the service is twelve months, instead of three this year for a Senator. Then the traveling of a brigadier is under orders to go, not where he pleases, but where he is required, while the traveling of a Senator is to come here because he chooses, and to go home for the same reason; to stay here three months; to have nine months to himself. That puts it on a very different footing, if the comparison is to be made.

Then, as to the relative compensation of the military service and in civil life, I have only to say, that those officers of the Army whom it is most desirous to retain, are constantly tempted by propositions to resign for much larger sums. One who resigned a few years ago is receiving a salary of $5,000 a year, in charge of a railroad, and would come back to-morrow if he could get in the Army one half, or less than one half that sum. He would come back with the pay of a major to-morrow. It is this attachment for the military service, it is this training for the military service, which renders them so peculiarly valuable to the country. Seldom have I seen one who resigned, whatever his prosperity might be, who did not look back to his old profession and to his having left it, with regret. They are not educated for the service; they are educated in the service; and I would ask the Senator from Georgia somewhat the same form of question I put to the Senator from Ohio: how he is to do it more cheaply? Does he object to their being educated at a school where elementary instruction is given to them with the low pay of a warrant officer? Then, I ask him, will he appoint them in the first instance lieutenants and captains, and will he then instruct them in their duty, or will he have them perform it ignorantly? That is the alternative. We instruct them now in the cheapest possible form; we put them in a school with the low pay of warrant officers, and there instruct them, liable every day for the four years they are there to be ordered to

duty on the frontier or elsewhere, in the service as much as they ever will be. It is merely a mode of instruction.

I do not think the mode of appointment vicious, though it is susceptible of some improvement. I think some changes might be made which would better it; but it is to-day free from the great evil of the country. It is free from that partisan selection which would exist unless the appointments were made as they now are, on the recommendation of the members of Congress. We do not have with each change of Administration, a change in the political character of the appointments to the academy; they follow still the political sentiment of the district which each one represents in the academy. They thus carry into the Army every variety of opinion and of feeling which exists in the country; but they carry it there modified by the education they receive in the service, and they justify the hope that in bearing the flag of their country, they will bear it as citizens whose heart is limited by no section, by no political relation, but generalized as broad as the continent itself. These are some of the benefits which I think flow from the present mode of appointment, and with a modification which might be made, and which I admit would be an improvement, I would retain this same feature in the present mode of appointment, that they should be from every locality according to its population; that they should come with the feelings, the sentiments, the political opinions, if you please, of the locality from which they were appointed.

Mr. TOOMBS. I said nothing in reference to the propriety of the education at West Point, though I might do so. I agree with the Senator from Mississippi, that these officers do not carry into the Army any sectional feeling with them. Sir, in the whole history of the world, standing armies have had but one sentiment, and that is to maintain the Government which supports them. That is their nature, and has been from the beginning of the world. You may find temporary exceptions; they may sometimes sympathize with the people, but the rule is that they reflect no opinions but those of the Government which employs them; and that is the very reason why I do not want them. I desire this Government to rest upon its people, who are able to defend it as long as it is worth defending. I do not want to keep a man in pay to defend it from within or without. So long as you keep up the education of men for this purpose, I believe the present mode is as good a one as you can get, but the mode of appointment is liable to the objections I stated; it produces that sort of influence, and I have observed it for fourteen

years, and the great fact stands which I stated, that the young men coming out of West Point, no matter how well educated, at the end of four years receive more money than they could get in any other pursuit of life, and, therefore, it is above what ought to be paid by the Government. I take that to be a sound rule, especially for a pursuit of this kind.

Mr. DAVIS. I understood the Senator to say the present mode of appointment was vicious, and it was to that my reply was directed. I would now, whilst I am up, ask him to consider that the pay which a second lieutenant gets is after four years of service; he does not get it when appointed.

Mr. TOOMBS. There the Senator and myself differ very much. He calls it service to take a young man from home and educate him and pay his expenses. You take him to West Point, give him quarters and fuel and clothes, and maintain him, and you say he has rendered service. When the citizens of this country send their sons to college they pay their expenses, or work their way through; but when a boy is carried to West Point, he is taken care of; a house is provided for him; clothes are provided for him, instructors are provided for him; and that is called being in service. True, he is a warrant officer.

Mr. DAVIS. He enters into a contract, when he goes there, to serve the Government eight years as they may direct. They direct him to stay there until he has sufficient elementary instructions to properly discharge the duties of an officer. He would gladly go away to a post in two weeks, if you would allow him.

Mr. TOOMBS. The Senator and myself do not differ in the facts; but in our deductions, we call things by different names. He calls this the service of the country; I call it educating them. We are both right from our different stand-points. The Government keeps a boy there four years, if he complies with the regulations, and for a little time afterwards, until he can go to his own business, which he rarely does; for, as the Senator says, he sticks to the military service. Of course he does. In all ages of the world it has been attractive. Put a man into it, and if he ever hears the trumpet blow, or the drum beat, he is unfitted for anything else. It is rather a savage pursuit, and seems to enchant those who fall in with it. Send a man among the Indians for five years, and he is good for nothing for civilization afterwards; he will run away, and become a savage himself. Men like this pursuit; courageous and brave men like it. That is not at all singular. I know that we graduate forty, or fifty, or sixty young men every year, and where there is scrutiny put on their

qualifications, some of them will be men of ability; and if the scrutiny is great, the majority of them will be above the average ability of young men in college; but that is all. The idea that all of them are men of ability is a mistake; and it is a mistake to suppose that all of them are worth more than the average payment for such talents in the country; but few of them are. But were they more or less able, I lay down the proposition that the true theory of wages, if you employ these people to keep the peace, is exactly the same as a constable's pay—you ought to pay them what they can be had for.

Mr. HALE. I am rather in favor of this amendment; but I do not want to take it as a substitute for the bill.

Remarks of Jefferson Davis on the special message touching the protection of American citizens abroad. Feb. 18, 1859.

Mr. DAVIS obtained the floor.

Mr. MASON. I hope the Senator will allow me to submit a motion to print the message; otherwise it may not be done?

Mr. DAVIS. Certainly.

Mr. MASON. I move that the message of the President be printed.

The motion was agreed to.

Mr. DAVIS. I cannot concur, Mr. President, in the doctrine which has been so forcibly presented to the Senate by the Senator from Illinois.

Mr. BELL. I hope not.

Mr. DAVIS. Though it may be very desirable to protect those American citizens who go abroad and engage in commerce, there is a higher and holier duty still—to preserve our Government at home. I cannot see to what limit we should not run if the Executive is to be invested with the power to send the land and naval forces to redress such wrongs as he may consider to have been perpetrated; to land troops wherever he may please, according to the lofty sentiment of the Senator from Illinois; not restricting himself to weak Powers, but extending also to the strong. Whenever ambition, or any other motive, should induce the President to have a war with England or France, he has nothing to do but to land a handful of men, who would certainly be whipped off the coast, and involve this country in a war; or else there would be presented the humiliating spectacle of the flag of the United States trodden under foot by a powerful na-

tion, and the American Congress shrinking from its defense by voting censure on their Chief Executive.

Such alternatives as these do not commend the proposition to my consideration. If it has come to pass that it is needful now to go further than our fathers went in investing the Executive with power promptly to act abroad, it is only to be regarded as the decadence of the people of the United States. When we shall so far have lost political virtue that the question cannot be decided with that promptitude which belongs to a body of patriots, when a wrong inflicted upon an American citizen is to be canvassed in the two Houses of Congress upon party and sectional bases, then we shall have so far lost our right to be free, we shall have so far sunk from the virtue which existed in our fathers, when they formed this Government, that it may be necessary to stride further on the road to absolutism. Every step the Congress takes in renunciation of the power vested in them by the Constitution, and lodging it in the hands, and subject to the discretion of any man, is a step taken in the road to despotism. The necessity must be dire, must be visible, which induces me to take even one of those steps.

But I do not understand the message of the President as asking all this of Congress. I understand him very carefully to guard the transfer of the war-making power by such restrictions as the wisdom of Congress shall decree; and, for one, I shall restrict it to the special cases which are known to exist, and to the time within which it may be necessary to use it. I concede to the Senator all the force of his argument, that our Government is weak in its foreign relations; that they are slow; that we want the unity and promptitude which belongs to other Governments. Our people are not protected abroad with the same promptitude that belongs to the Governments of Great Britain and France. These are evils. I think it may be stated that our Government is too weak abroad and too strong at home. I have no wish in escaping from one evil to magnify the other. I prefer to bear such ills as belong to the improper treatment of our citizens abroad, and the delay consequent upon the action of Congress, rather than surrender this great constitutional right of the Congress of the United States to the discretion of the President.

In the case which is particularly cited in the message of the President, that of the Isthmus of Panama, it will be remembered that, by a treaty with New Granada, we guarantied their sovereignty and possession of that isthmus; that under that convention between the two Governments a company was incor-

porated; American capital went there and constructed a railroad to connect the Atlantic and Pacific oceans. American citizens were invited there. They were encouraged to believe they had the protection of their own Government. They invested their capital. The United States established a post route across the isthmus and upon this road. This constitutes a case not included in the general category of sending the President abroad to make war wherever he may think a citizen injured. There is a case where it would be entirely proper for the Congress of the United States to give the President the power to send naval forces to be landed when necessary, to protect that post route across the continent, to make safe those citizens of the United States who, under the protection of a treaty, had gone there to reside, and invested large amounts of their capital in a public work. It is an exceptional case. I was struck with the remarks of the Senator from North Carolina, who seemed to think the Clayton-Bulwer treaty the great obstacle. It was not applicable to the Isthmus of Panama.

Mr. CLINGMAN. If the Senator will allow me, the last article of the treaty does not apply it. It first applies to Central America; but if the Senator will look to the last article, he will find that it covers Panama and Tehuantepec by name, and any other route.

Mr. DAVIS. In relation to the privileges of inter-oceanic communication, that is all very true; but, in relation to the restrictions of colonization and the establishment of military posts, I think he will find that neither Panama nor Tehuantepec is included.

Mr. CLINGMAN. I shall send for the treaty.

Mr. DAVIS. I may be mistaken; but my recollection is, that two out of the three routes are not included in the restraints proposed by that treaty. Only one of the three, then, is subject to the objection which is offered. Whether the other two will ever reach the condition of the present route across the Isthmus of Panama, I am not prepared to say. One we know now to be interrupted; the other to be open, and to give promise of being a very prosperous postal, passenger, and perhaps commercial route, the latter being under the Government of Mexico. Notwithstanding all the intestine feuds which have existed in Mexico; notwithstanding all the unjustifiable taxation which has been imposed upon foreign capital, existing within her borders, we have no reason to believe that the Government of Mexico will allow such crimes to be perpetrated as mark the case of the Isthmus of Panama. It is at least to be hoped that such will not

occur. They have advanced at least several steps further towards civilization than the New Granadians; and one reason why it may be needful to exercise this power in relation to those small Central and Southern American States, and not in relation to a great Government——

Mr. GREEN. I did not understand the Senator to say which Government has advanced further in civilization than New Granada.

Mr. DAVIS. My opinion is, that Mexico has. The Senator may entertain a different opinion; but that is not germane to my argument.

Mr. GREEN. I do entertain a decidedly different opinion.

Mr. PUGH. It is about six of one and half a dozen of the other.

Mr. DAVIS. I hold that one has advanced further in civilization than the other; that one has attained much greater power than the other. I hold that it is just in proportion as Governments advance in civilization and power, (and to any great elevation of power they cannot attain without an equal progress in civilization,) that we are secure from those interruptions which would justify the forcible action of the President of the United States.

But, sir, in the event of an extreme case occurring, in the event of citizens crying aloud for the protection of an armed vessel of the United States lying in the harbor, the American sailor who would not give it, without waiting for the law or a specific clause of the Constitution to enable him to do it, would deserve to have the epaulets stripped from his shoulders. I should have no apprehension, where ever a vessel bearing the arms of the United States was lying in a harbor, that any officer of the American Navy would allow an American citizen to be sacrificed to an infuriated mob, when he had the power to protect him. Any Administration which should attempt to punish an officer of the United States for thus acting in a foreign port, would encounter a public indignation before which the greatest popularity would sink, and the persecuted officer rise to a consideration higher than otherwise he could attain. There is no dread, then, of future consequences to restrain our officers of the Navy in such cases. I have no fear that they will ever prove derelict to such a duty.

The experience of the delays at Havana, which has been urged as a reason for granting this power, was most forcibly presented as an argument by the late Secretary of State, Mr. Marcy, for changing the relations which the Captain General

bore to the consul of the United States, to make the Captain General as responsible as he was powerful, to authorize the consul to have diplomatic intercourse with him, and the United States then to look to the Captain General, invested as he is with extraordinary powers, as the person who was to be held accountable when the rights of the United States were violated. That is a remedy which does not involve the granting of plenary powers to the President, but to correct an existing evil makes the individual responsible who has the power to violate the rights of a citizen of the United States, either resident or trading with the port of Havana.

But the Senator from Maine referred to the condition of things in Central and Southern America, and attributed the decline of the influence of the United States to the mal-administration of our Government. I dissent entirely from the position of the Senator. I think the result which he attributes to mal-administration, unless it include a policy which no Executive had the power to control, cannot be ascribed to any one department of the Government, unless it be the legislative. Look to the appropriations you have made, and the laws you have enacted for your great inter-oceanic line of communication; look to your trans-atlantic mail, where large sums are annually paid to keep up the correspondence with Europe; then to the lines which Great Britain has sustained with Central and Southern America, keeping a regular communication with every one of the important ports, and leaving the United States to maintain their correspondence by the circuitous route of the British ports. This policy or conduct affords a sufficient reason for the decline of our commerce and for the decline of our political influence within those States. Had some portion of that money which has been given—I will not say squandered, though such is my belief—in rivalry between the United States and other countries as to which should supply the fastest passenger steam vessels, been expended in the maintenance of mail lines to Central and Southern America, our influence would constantly have advanced, instead of declining. It would have brought to our ports a commerce which would have paid threefold the expenditure, instead of remaining a standing charge to the end of time, as in other cases.

I cannot consent to admit that the Government of my country has, at any time within its history, so administered its affairs and relations with its weak neighbors as to give just ground of complaint. I think we have been tolerant to the last extreme, patient, persuasive, only contemplating or resorting to force

after an amount of outrage which would have driven any monarchical Government to hostilities at a long anterior period. We have been involved in war with one; we have sent a hostile expedition against another. What the result of it will be it is useless to inquire, because it is unconnected with the present question. To wait until we hear what is the result of the expedition to Paraguay before we decide to maintain the security of mail routes across the Isthmus and to confer such powers as may be needful, would seem to me as if we should propose to wait for some other event equally unconnected with the one upon which we are now invited to legislate. To confer on the President the power, under certain contingencies, to land troops for the protection of post routes which we have established under conventions with foreign Powers, and to require him, as soon as the necessity is removed, to withdraw those troops from the land, neither constitutes the general provision indicated by the Senator from Illinois, nor that military occupation described by the Senator from North Carolina. If that be all which the President desires, if that will suffice to execute the duty which is devolved on him of protecting American citizens in those localities, so much I am willing to give.

Thus I construe the substitute offered by the Senator from Louisiana, [Mr. BENJAMIN.] If he designed it to be general, to give the President a roving commission to seek where some American citizen had been insulted, or his rights trampled upon, and, knight-errant-like, there to wage war with every Power so offending, we had better put our Army on a war establishment, and our Navy too. Our policy henceforth must be that of a military Republic.

Mr. FESSENDEN. Will the Senator allow me to ask him one question?

Mr. DAVIS. Certainly.

Mr. FESSENDEN. It is this: whether we have any power, or can properly confer power, upon the President to land troops in a foreign country to protect our citizens, or mail routes, or anything of that sort which we have by permission, unless by treaty that nation has specifically given up that power? Can we undertake to do it unless we have the right given by treaty?

Mr. DAVIS. Certainly. I understand the question. If the right be given by treaty, then it would only be for Congress to provide the means. I mean no such thing as that. I mean an act of war.

Mr. FESSENDEN. That is what I wish to understand.

Mr. DAVIS. I consider it an act which Congress alone has

constitutional authority to perform, and therefore it is, I say, Congress must indicate the special occasion, the time and the manner. I am not playing upon terms, or seeking to escape from the fact which stands prominently before the mind of every one, that the remedy proposed looks to the invasion of a foreign territory. To invade with an armed force is war. The measure, limited by special act, may be temporary; it may be for a single object; but it is war, and I have no wish to defend it upon any other ground; therefore it is, I say, we must know and provide for the case in which it is proper to anticipate the contingency which will require the battle to be fought; but the case must be before us in order that we may consistently legislate upon it.

Jefferson Davis to James Buchanan.

(From Pennsylvania Historical Society.)

Senate Chamber
Feb. 21, 1859

To the President
My dear Sir,

I take the liberty to enclose a slip [1] reciting the incidents of a most extraordinary attempt to oppress if not to intimidate the

[1] On Saturday night, about 9 o'clock, Mr John S. Little, deputy U. S. Marshal for the northern district of Illinois, accompanied by E. Reynolds, constable, and Mr Henry S. Fitch, U. S. District Attorney for the northern district of Illinois, entered room No. 42. in the United States Hotel in this city, occupied by Mr. D. B. Martin, of Chicago, and by virtue of a search warrant issued by B. W. Ferguson, one of the justices of the peace for this district, placed Mr. Martin under arrest, and proceeded to search his person for papers which it was alleged he had taken from the office of the marshal of the northern district of Illinois. Not finding any on his person, they demanded to see all the papers he had in his possession, but he stated to them that he had no papers other than private letters, which he did not think the warrant entitled them to see. To this Mr Little replied that it was the private letters he had come to see, in order to find out who was aiding Mr Martin in making charges to the Department against Mr. Charles M. Pine, marshal of the northern district of Illinois. Mr Martin here appealed to the constable but the constable replied that under the warrant, Mr. Little had a right to see the letters. Thereupon the constable commenced a search of the drawers and valise, and handed to Mr. Little all the letters he found, which the latter read according as he received them, and then passed them over to Mr Henry Fitch calling as he did so, the attention of that gentleman to all letters containing any reference to the charges—even those written by Mr. Martin's wife.

After making a thorough search, they proceeded to the room of Mr. J. B. Chandler, No. 79 same building and proceeded to search *on the warrant issued against Mr. Martin,* alleging as their reason and justification for so doing that he, being a friend of Mr Martin, might have in his possession the information they had failed to secure in Mr. Martin's room. On a

friendless young man who I had the honor to present to you a few days since. The cause must be a very bad one which requires such nefarious conduct.

Very truly your friend
JEFFN: DAVIS

Remarks of Jefferson Davis on questions connected with slavery in the territories. Feb. 23, 1859.

Mr. DAVIS. Mr. President, when the people of these States became united, and formed a Constitution, their councils were guided by men who had hearts capable of expansion as broad

protest being entered by Mr Chandler and Mr. Martin against this latter proceeding under *that* warrant, the constable replied that under *that one warrant* he could search every room in the hotel.

No further opposition was made, and Mr. Fitch went to Mr. Chandler's drawers, declaring, at the same time, that he believed him to be the chief conspirator, and made a thorough search, with the assistance of the constable, but finding no papers, such as they were in pursuit of they left, at the same time expressing their anxiety that the matter should not get into the newspapers.

Immediately after this occurrence, Mr Martin had legal advice, and acting thereon he got out a warrant, which was issued yesterday, but as it so happened a few minutes too late to catch Mr Little who left for New York by the three o'clock train.

The ground on which the warrant against Mr. Little was taken out, was that he had committed perjury, in so far as he got out his search warrant on the plea of recovering papers alleged to be stolen from Marshal, whereas in the room he acknowledged it was private letters he wanted to see. Mr. Martin also complains that the warrant was executed at night though on the face of it is said "and requires you, with proper assistance, to enter in the *day time.*"

The following is a copy of the warrant on which the search was made, and we give it and the above statements exactly as they were furnished to us by a party who was present during the whole affair:

District of Columbia,
County of Washington, to wit

Whereas it appears to me, the subscriber, one of the justices of the peace in and for said county, by the information and oath of John S. Little, that the following goods, to wit: certain papers, the property of the marshal of the northern district of Illinois, have, within thirty days just past, by some person or persons unknown, been feloniously stolen, taken, or carried away, out of the office of the said marshal, in the district and State aforesaid; and the said John S. Little has probable cause to suspect, and doth suspect, that the said papers are concealed in a certain room in the United States Hotel, occupied by David B. Martin, in the city of Washington D. C. These are therefore to authorize and require you, with necessary and proper assistance, to enter, in the day time, into the said United States Hotel, and there diligently search, that you bring the papers so found, and also the body of the said David B. Martin before me, the subscriber, to be disposed of and dealt with according to law.

Given under my hand and seal this the 18th day of February, A. D. 1859.
B. W. FERGUSON, J. P. (L. S.)

To. E. Reynolds, Constable.

as the continent; minds that stooped not to such degrading controversies as the character of labor employed by the people of other States; and if, in the progress of our history, we have reached the point where it is necessary to part, as the Senator from Illinois says, or to adopt a creed like that which he has announced, I wish him God-speed and a pleasant journey. No, sir; not the breadth of one hair would I follow the Senator in the career which he announces. His whole argument is based upon the supposition that there is a people residing in a Territory, and that the Constitution is a compact which we have made with them. Neither the one nor the other is true. There are inhabitants in a Territory, tenants for the States who own the Territory, waiting until the fullness of time shall fit them to become a State, by the consent of the existing States; then to assume the dignity of a people and equality with the other States. The Constitution is a compact between the sovereign States. It applies to the Territories, because they are dependencies of the States, and its principles follow the American people and appertain to the American soil everywhere, but not in the nature of compact between the States and inhabitants of a Territory.

But the Senator argues, and with his usual vehemence, that we claim that there shall be a discrimination made in relation to slave property, and that this is a violation of a great principle, which he is going to the end of time to defend. What, sir, is that Constitution under the shield of which he pretends to plant himself? A compact wherein this discrimination is broadly made by men who understood what they were about, and did not intend to war upon the domestic and local interests of their brethren. Not only, sir, were they guarded from the interference of Congress, but a higher authority than Congress—the authority of the States themselves, the creating power. In the fourth article and second section of the Constitution, it was provided:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

There is no such provision made in relation to any other kind of property. It was made in relation to this, because of its peculiar character; made by men who rose superior to the petty prejudices of our day. Before the Constitution was formed,

and before any such obligation existed upon them, the like spirit was manifested by the men to whom we are indebted for the institutions we possess. I send to the Chair, to be read by the Secretary, a report from a committee composed of Hamilton, Sedgewick, and Madison, and adopted by Congress on the day which is written above it.

The Secretary read as follows:

"ASYLUM TO FUGITIVE SLAVES.

"*August* 26, 1788.

"On the report of a committee, consisting of Mr. Hamilton, of New York, Mr. Sedgewick, of Massachusetts, and Mr. Madison, of Virginia, to whom was referred a report of the Secretary for the Department of Foreign Affairs, of the 14th instant—

"*Resolved*, That the Secretary for the Department of Foreign Affairs be directed to transmit copies of the papers referred to in his said report to the chargé d'affaires of the United States at Madrid, and instruct him to represent to his Catholic Majesty the inconveniences which the States bordering on his dominions experience from the asylum afforded to fugitive negroes belonging to the citizens of the said States; and that Congress have full confidence that orders shall be given to his governors to permit and facilitate their being apprehended and delivered to persons authorized to receive them, assuring his Majesty that the said States will observe the like conduct respecting all such negroes belonging to his subjects as may be found therein.

"*Resolved*, That the said Secretary be also directed to communicate the said papers to the Encargado de Negocios of Spain, and to signify to him that his interposition to obtain proper regulations to be made on the subject would be very agreeable to Congress."

Mr. DAVIS. It there appears that the men who founded this Government, instead of seeking to escape from responsibility, by evasion, to effect what they dared not perform openly; instead of endeavoring, in any mode, to relieve themselves from responsibility, not only made this provision in relation to their brethren of the confederated States, but also in relation to the citizens of a foreign country; and in asserting the claims of our own citizens against those of Spain, they state, not as an obligation, but as a consequence of their own good faith and nice sense of honor, "returned, as in like manner from the States, if slaves should escape from the possessions of Spain, in Florida, into the States."

Now, the Senator asks will you make a discrimination in the

Territories? I say yes, I would discriminate in the Territories wherever it is needful to assert the right of a citizen; where ever it is proper to carry out the principle, the obligation, the clear intent and meaning of the Constitution of the United States. I have heard many a siren's song on this doctrine of non-intervention; a thing shadowy and fleeting, changing its color as often as the chameleon, which never meant anything fairly unless it was that Congress would not attempt to legislate on a subject over which they had no control; that they would not attempt to establish slavery anywhere nor to prohibit it anywhere; and such was the language of the compromise measures of 1850 when this doctrine was inaugurated. Since that, it has been woven into a delusive gauze thrown over the public mind, and presented as an obligation of the Democratic party to stand still; withholding from an American citizen the protection he has a right to claim; to surrender their power; to do nothing; to prove faithless to the trust they hold at the hands of the people of the States. If the theory of the Senator be correct, and if Congress has no power to legislate in any regard upon the subject, how did you pass the fugitive slave law? He repeats, again and again, that you have no power to legislate in regard to slavery either in the States or in the Territories, and yet the fugitive slave law stands on the statute-book; and although he did not vote for it, he explained to the country why he did not, and expressed his regret that his absence had prevented him from recording his vote in favor of it.

From the plain language of the Constitution, as I have read it, how is it possible for one still claiming to follow the path of the Constitution, to assert that Congress has no power to legislate in relation to the subject anywhere? He informs us, however, that by the Kansas-Nebraska bill, the full power of the inhabitants of a Territory to legislate on all subjects not inconsistent with the Constitution, was granted by Congress. If Congress attempted to make such a grant; if Congress thus attempted to rid themselves of a trust imposed upon them, they exceeded their authority. They could delegate no such power. The Territorial Legislature can be but an instrument, through which the Congress of the United States execute their trust in relation to the Territories. Therefore it was, that notwithstanding the exact language of that bill which the Senator has read, the Congress of the United States did assume, and did exercise, the power to repeal a law passed in that very Territory of Kansas, which they clearly could not have done if they had surrendered all control over its legislation. Whether the Sena-

tor voted for that report or not, I do not know; I presume he did; but whether he did or not, does not vary the question, except so far as it affects himself. The advocates of the Kansas-Nebraska bill were generally the men who most promptly claimed the repeal of those laws, because they said they were a violation of those rights which every American citizen possessed under the Constitution.

But the Senator says territorial laws can only be set aside by an appeal to the Supreme Court of the United States. If so, then they have a power not derived from Congress; they are not the instruments of Congress. But in the course of the Senator's remarks, and quite inconsistent with this position, he announced that they possessed no power save that which they derived from the organic act and the Constitution. They can derive no power from the Constitution save as Territories of the United States, over which the States have given the power of a trustee to the Congress; and being the delegate of the Congress, they have such powers as Congress has thought proper to give, provided they do not exceed such powers as the Congress possesses. How, then, does the Senator claim that they have a power to legislate which Congress cannot revise; and yet no power to legislate at all save that which they derive from their organic act?

My friend from Alabama presented a question to the Senator from Illinois, which he did not answer. It was, whether a law pronounced unconstitutional by the Supreme Court was still to remain in force within the Territory, Congress failing to provide any remedy which would restore the right violated by that unconstitutional act? The Senator answers me from his seat, "clearly not." Then I ask him, what is the remedy? The law is pronounced unconstitutional, and yet the right which it has violated is not restored; the protection which is required is not granted; the law which deprived him of the protection, though it may be declared unconstitutional, is not replaced by any which will give him the adequate protection to hold his property. Then what is the benefit he derives from the decision of the Supreme Court? The decision of the Supreme Court is binding upon the Congress; but this squatter-sovereignty legislation, seeming to be outside of the Constitution, outside of the legislation of the Federal Government, erects itself into an attitude that seems to me quite inappropriate.

I concede to the Congress the power, through the instrumentality of a Territorial Legislature, to legislate upon such subjects as Congress itself has the right to make laws for; no more

than that. More than that the Senator cannot claim, unless he can show to us that philosophical problem of getting more out of a tub than it contains; its contents being measured, to find something more which can be taken out of it. If he will not—and I suppose he will not—contend that Congress can delegate more power than it possesses, how does he get the power in the Territorial Legislature to pass laws which will interfere with the rights of a citizen choosing to migrate to a Territory? It is the common property of the people of the States. Every citizen has a right to go there, and to carry with him whatever property is recognized by the Constitution; the common law of the States forming the Union. Congress has no power to prohibit it; is bound to see that it is fully enjoyed. Then, I ask the Senator, where does he derive the power for the Territorial Legislature to do it? for he has planted himself now on the ground that they derive their authority from the organic act.

Mr. GREEN. Will the Senator permit me to give him a little information I have just received?

Mr. DAVIS. Certainly.

Mr. GREEN. The Legislature of Kansas has passed a law declaring that, from and after the passage of the act, slavery shall cease to exist in Kansas.

Mr. DAVIS. If it be the obligation of the United States to protect its citizens in their constitutional rights, and it be shown that those constitutional rights are violated by the inhabitants of a Territory, or anybody else, it is the duty of Congress to interpose, with whatever power it possesses, to make that protection adequate. That has been urged forcibly by the Senator from Illinois himself in relation to citizens abroad. How is he to refuse it to citizens at home? Would he erect the inhabitants of a Territory into a power before which all the constitutional functions of Congress are to stand powerless and paralyzed? If not, his whole theory falls to the ground. He appeals to popular prejudice, and appeals without a fair reference to the history of the transaction in regard to the attempt of the Parliament to pass laws for the colonies, now the United States. The claim of the colonies was, that laws were passed in violation of their charters; and hence they were termed unconstitutional laws. They had rights under the British constitution; they had rights specifically determined by their charters; they were violated; and they rose, then, from the condition of colonies to the dignity of a people, and asserted those rights; they asserted them by revolution. That right of revolution I acknowledge to exist in the inhabitants of a Territory. If they choose to rise in

rebellion against the United States, and assert the power which the Senator ascribes to them, and maintain good their assertion, then I am ready, when it is maintained, to acknowledge their independence and admit that we have no control over them; but, until that is done, or until they acquire the powers of a sovereign State, they remain the inhabitants of territory belonging to the United States; they remain under the control of the Congress, as the trustee of the States owning the property; and we are bound to see that they do nothing to the detriment of the Republic. They are not a distant people, over whom there is an attempt to legislate; they are the inhabitants of a Territory—people of the States; they are not a people at all; they are the possessors of the territory of the United States, not yet organized into a people, not yet having that sovereignty which belongs to the organization which gives a right to denominate any body of persons a people.

But the Senator's argument, if it were to be carried out, goes merely to this: that it would be legislation in relation to persons not represented in Congress, for he attempts to run a parallel between the Territories and the colonies, now the United States. What, then, is the remedy? Does he propose to give the Territories two Senators on this floor, and Representatives in the other House? If not, the complaint is verbal, merely, having no meaning in it. They are entitled to no representation, under our Constitution, other than that of a Delegate in the House of Representatives, there to make known their wants to the people who have the right to legislate over them, who stand as trustee of the owners of the property on which they live, there merely to present a petition, to represent their wants, to make known to the legislating power what is needful for the inhabitants by whom he is delegated. That is the relation of a Territory—not a people with a right to legislate at all.

As for the conclusion the Senator draws in relation to the vote, it may be very suggestive, and very useful to those who are to be subjected to such a test hereafter; but as, in the course of his remarks, he puts that party to which I belong in what I esteem to be a false position, I must say to him that, without assuming to know what would have been the vote in Pennsylvania, or what would have been the vote in Ohio, or what will be the vote in Pennsylvania, or what will be the vote in Ohio, upon a candidate who asserts the truth in relation to the constitutional rights of the South, I take issue with him entirely upon the ground which he assumes when he says that the President, in his letter, gave promise of the doctrine which he

announces. The President, in his letter, said "the people of a Territory, like those of a State." Then the question arises, how can the people of a State act upon this subject? The people of a State act in convention when they form a constitution. The inhabitants of a Territory, when they become a people, have a convention to form a constitution, and then act like the people of a State. The President could not mean more than that, because the platform to which the Senator refers had specifically referred to the time when this power would be possessed, when, with a certain population, they formed a constitution, and asked to be admitted into the Union. The letter of acceptance could not have been intended to war with the resolutions of the convention by which the President was nominated; and if not so intended, it is to be construed in connection with these resolutions.

I have heard, time and again, gentlemen speak in derision of the platforms framed at these conventions. For myself, I can say, what few of my associates here probably can, that I have never been at, or near to, or in correspondence with, the national convention. I have stood utterly aloof. More than that, I hold, in common with the once deliberately expressed opinion of the people of Mississippi, that a member of Congress has no business at a national convention. Whether their platforms be soundly or delusively made, I have only to judge from that which they put forth to the country, and as one of the great Democratic mass. If there be anything covert, anything designed and not expressed, no man yet has so far mistaken me as to make me a confidant of what he was doing, and I hope none ever will. I take it, therefore, that the resolutions meant what they said. If they meant what they said, and the President, in accepting the nomination, accepted it as clearly he did, and his letter shows, upon the platform which the convention had made, it is not fair to argue that his letter meant something the opposite of that which the resolutions asserted. What may be the fate of the Democratic party, if it suffers that division to which the Senator refers, I cannot say. It has achieved many a glorious victory in the cause of its country. It can claim from the future credit for the acquisition of every acre of territory which has been added to our original domain. It leaves behind it the legacy to the future, of a glorious past. If it is to be wrecked by petty controversies in relation to African labor; if a few Africans, brought into the United States, where they have been advanced in comfort and civilization and knowledge, are to constitute the element which will divide the Democratic party and peril the

vast hopes, not only of our own country, but of all mankind, I trust it will be remembered that a few of us, at least, have stood by the old landmarks of those who framed the Constitution and gave us our liberty, that we claim nothing more now from the Government than the men who formed it were willing to concede. When this shall become an unpopular doctrine, when men are to lose the great States of the North by announcing it, I wish it to be understood that my vote can be got for no candidate who will not be so defeated. I agree with my colleague that we are not, with our eyes open, to be cheated, and that we have no more respect for that man who seeks to evade the performance of a constitutional duty, than for one who openly wars upon a constitutional right; and if I have to choose between the two, I could forgive more to the blindness of the man who warred upon a constitutional right, and who I hoped was ignorant of its existence, than to the man who admitted it and withheld from me every possibility of its enjoyment.

I receive in sorrow the announcement that, upon a question like this, the Democratic party must be divided. I regret it, not merely for the fate of that party, but for the fate of my country. I believe it is to-day the only party which gives any promise of upholding the institutions we inherit. I believe it is to-day the only party, the component parts of which extend from the northeastern corner of Maine to the southwestern corner of California; differing, it is true, oftentimes, upon measures, but clinging to some great principles which are common to them, and which form the chart by which they would guide the ship of State. But, whilst I feel all this regret from this misapprehension, the principles we inherit, the principles we are bound to transmit to posterity, are dearer to me than success; and never, be the danger ten-fold as great as that which the Senator from Illinois has painted, never will I consent to abandon a constitutional right at the mere bidding of popular prejudice, and to surrender that which it is my duty here to uphold for those whom I represent, in order that my own party may still retain political power.

Mr. MASON. Mr. President——

Mr. DOUGLAS. I desire to make a word or two of reply to the Senator from Mississippi.

Mr. MASON. The Senator shall certainly have ample time to reply, and I shall be a patient listener in due time. Sir, I was one of those who thought, when the Democratic party from the free States, and the Democratic party from the southern States, called the slave States, united under the auspices of the

distinguished Senator from Illinois, to pass that which has been called the Kansas-Nebraska bill, that we had really, by mutually laying down prejudices, or impressions, or prepossessions, upon the common altar of the country, established a system of legislation which would quiet, once and for all, the distracting question of slavery. I thought so sincerely and honestly. I have been mistaken; I will not say deceived.

Sir, the Senator from Illinois has correctly said that it was the purpose of that bill to remit the question of the introduction of slaves into the Territory to the judiciary, and to abide by its decision. It was a concession made with great reluctance by the southern States. It was one that we had thought over most maturely; and we knew that when we made that concession to remit the question to the judiciary, we took from the southern States a portion of their political rights, they having the right to determine that question for themselves independent of any judiciary. The same question was presented to Congress in 1848, and a committee was raised upon it, called usually the Clayton committee, of which the honorable Senator from Delaware, now no longer living, was the chairman, and the honorable Senator from South Carolina, now no longer living, was a member of that committee—Mr. Calhoun. They sat in deliberation upon the disposition of the territorial question for days and nights; those of us who were not members of the committee were consulted upon it; and, after much deliberation, it was agreed on the part of the southern men that they would trust the judiciary on this constitutional question. Clearly understanding, fully appreciating the political right in the sovereign States to determine the question for themselves, yet, as a measure of concession, it was agreed that it should be remitted to the judiciary; and so that committee reported, with the concurrence of that very distinguished leader, the late Mr. Calhoun. The Senate adopted the measure, but it was lost in the other House.

Well, sir, when we came, in 1850, to settle this question as a territorial question in the organization of the Territories of Utah and New Mexico, in the country acquired from Mexico, we made the same concession, and it was provided in those territorial laws that the question should be remitted to the judiciary, the laws providing, according to my recollection, that all subjects of legislation should be left to the people of the Territory without reservation; and this question of slavery was left to them, subject to the Constitution. We voted for that.

Then came the organization of the Territories of Nebraska and Kansas, when the honorable Senator from Illinois was at

the head of the Territorial Committee. That bill was framed with very great care. It retained the principle of leaving this question of slavery in the Territories to the judiciary. It did more. With a view to give effect to judicial action on that question, the laws organizing the judiciary were changed. No appeal had theretofore lain from the court of last resort in the Territories to the Supreme Court of the United States, and the law was remodeled to give that appeal, both in a question of liberty affecting a slave in a Territory, and in a question of slave property; all done by consent and agreement, in order to leave the question of slavery in the Territories to the Supreme Courts; and we agreed to abide our fortunes upon that.

Well, sir, the law was passed; it carried an almost undivided southern vote; it carried almost an undivided northern Democratic vote, and I thought we understood each other. I have been mistaken. A question arose in the case of a slave named Dred Scott. It was carried to the Supreme Court, and the Supreme Court decided that Congress possessed no power to prohibit the introduction of slavery into the Territories; an out and out decision, without qualification or limitation. The Supreme Court declared that there was no power in Congress, under the Constitution, to prohibit the introduction of slavery into the Territories; and, as a consequence necessarily following, a logical and legal consequence, fully admitted, as I understand, in the argument of the honorable Senator from Illinois, as the legislative power of the territory was derivative, and purely derivative, there being nothing primary in it, it followed as a consequence, both logically and legally, that the people of the territory possessed no such power. That is the law of the land at this day as pronounced by the highest judicial tribunal, that there is no power, either in Congress or in the people of a territory, during their territorial condition, to prohibit the introduction of slavery.

Mr. DOUGLAS. I repeat again, men must come to one of two positions, and there is none other; either property is to be protected in those territories by the territorial laws, with the right of appeal to the Supreme Court to test their constitutionality, or by the intervention of Congress.

I do not put slavery on a different footing from other territory. I recognize it as property under what is understood to be the decision of the Supreme Court. I agree that the owner of slaves has the same right to remove to the territories and carry his slave property with him as the owner of any other species of property, and to hold the same subject to such local

laws as the territorial legislature may constitutionally pass; and, if any person shall feel aggrieved by such local legislation he may appeal to the Supreme Court to test the validity of such laws. I recognize slave property as being on an equality with all other property, and apply the same rules to it. I will not apply one rule to slave property and another rule to all other kinds of property. I am not willing to leave all other kinds of property to the territorial laws and the courts for protection, and then call on Congress to intervene in behalf of slavery, in violation of the Democratic principle of non-intervention.

Mr. DAVIS. If I understand the Senator, he renews the position to which I endeavored to make an answer to him, in relation to discrimination as to the kind of property. I wish to say that what the Government owes to person and property is adequate protection; and the amount of protection which must be given will necessarily vary with the character of the property and the place where it is held; that any attempts, therefore, to create a prejudice by talking about discrimination between different kinds of property is delusive, and does not meet the single inquiry, the only one we have a right to make, what kind of protection is adequate? The Senator's argument as to the change of the power of the Federal Government by the organization of the Territory, I thought was answered this morning. If that organization is a mere emanation of Federal power, if that territorial government is the mere instrument of the Federal Government, how does it change the power and jurisdiction which the United States holds? Why, then, the argument that the power is possessed in a Territory before the territorial government is organized, but not possessed afterwards?

I think that the Senator committed a fatal blunder, and drew the Senate into a fatal blunder, when he departed from the well established precedent of our Government, and struck out of the Kansas-Nebraska bill the right to pass upon the legislation of the Territory which had always theretofore existed in Congress, which ought to have been retained, and which, of necessity, was exercised when they passed a law clearly violating the constitutional right. This doctrine of non-intervention, as I said before, in reply to the Senator, is one which is constantly changing; changing with latitude and longtitude and persons; changing with the session when it is introduced; and greatly changed since the time when the Senator from Illinois first discussed it. Then it was a question simply of whether the Federal Government should attempt to decide the question of whether slave property could be carried into the territory acquired from

Mexico, or not; whether the Mexican law remained upon the land, or whether the Constitution, by its own force, carried slave property, as all other property, from the States there. A Senator, then a member of this body from the State of Delaware, now no more, (Mr. Clayton,) attempted to compose that difficulty by a bill which referred the whole question to the Supreme Court of the United States. I thought at the time his measure was well, wisely, and patriotically taken. I voted for the proposition, believing that, if the question was submitted to the Supreme Court, and decided as a question of constitutional right by the Supreme Court, then it would only remain for the United States Congress to see the right so defined carried into effect. If it was against us, we had to abide it; if it was for us, we were to be protected in its enjoyment.

So I understood the question, when it was discussed in 1850, to be avowed by every one who touched it. So I understood the operation of the Kansas-Nebraska bill to be a reference of this subject to the Supreme Court, in order that they might decide the constitutional and legal right. When decided it was to be considered as settled, upon Congress and against Congress. I think we took a great hazard when we agreed thus to submit a question of the constitutional rights of our constituents. If I had then been a member of the Senate, I should have presented the difficulty which existed in my mind. I was not; I take it for granted, however, my friends who are about me must have understood at that time clearly that this was the mere reference of a right; and that, if decided in our favor, congressional legislation would follow in its train, and secure to us the enjoyment of the right thus defined.

The Senator, however, makes a reference to the vote of the State of which I am a citizen, by whose authority I speak here, in the canvass of 1848, to show that the doctrine of squatter sovereignty was acceptable to the southern Democracy.

Mr. DOUGLAS. No; it was in reply to the statement of the Senator from Virginia that the South would never vote for a man holding that doctrine, and I reminded him that she had done it.

Mr. DAVIS. You reminded the Senator, then, that Mississippi had voted for this doctrine.

Mr. DOUGLAS. All the Democratic southern States, and Mississippi, too.

Mr. DAVIS. I have nothing to do except with the State of which I know something, and of which I have a right to speak.

Mr. DOUGLAS. I did not say that in Mississippi they voted

for the doctrine. It was charged that they would vote for no man who held the doctrine. I showed that Virginia, Mississippi, all the Democratic States had voted for a man who held the doctrine. I do not pretend to say they voted for the doctrine; but they voted for a man who held it.

Mr. DAVIS. I did not misunderstand the Senator, and I am glad he has interposed if I was likely to make others misunderstand him. That is the exact point I meet. The candidate of the Democratic party had written a letter long and eloquent. Men differed as to its construction. I put a certain construction upon it, which was, that it admitted the power in the inhabitants of a Territory to decide the question of the right of another emigrating to take slaves there or not. That construction was denied. My political friends held it to be a heresy on my part, to believe that that was ever meant. One who claimed to have authority to speak, gave a different construction; and the State of Mississippi voted under the belief that that letter meant no more than that when the Territory became a State it had authority to decide that question; and even with that constant assertion, as by authority, the doubt that hung upon the minds of the people of Mississippi, as to whether it was correct or not, reduced the vote from thousands to hundreds. If it had been known that the venerable candidate then of the Democratic party, and now Secretary of State, held the opinion which he so frankly avowed at a subsequent period, on the floor of the Senate, I tell you, sir, [addressing Mr. DOUGLAS,] he would have had no more chance to get the vote of Mississippi than you, with your opinions, would have today. It was the same case in Alabama, where the majority sunk from thousands to hundreds, because of the opinion entertained. It was the constant assertion that that was not the opinion of the candidate.

Mr. CLAY. If my friend will permit me, I will state that Mr. Yancey, for construing that letter as the Senator from Mississippi says he did, was ejected from the party, or put himself outside of the party. He did not act with the party for years afterwards, because he was assailed in every Democratic paper in the State as misrepresenting General Cass's views.

Mr. DAVIS. That is very much my experience; but for the kindness which the people of Mississippi always showered upon me, all undeserved as it was, I suppose I should have been read out of the Democratic party for asserting that that was the creed of their own candidate. I performed what I considered a duty to my constituents, when I told them what my belief was. They thought it more than unkind that I should doubt the con-

stant assertions that had been made. They forgave me what they considered an offense and voted for the candidate, reduced as I have stated in the majority, because of the doubt that hung over them.

The Senator quite misapprehended my remarks, however, when he supposed I was directing my censure and criticism towards the personal prospects of any one. I was battling for a great principle which stands as the barrier to protect the rights of those whom I represent—a principle which I believe is to be coexistent with the Union, which was anounced at its birth, and will only disappear upon its grave. In advocating that principle, men are to me but as the counters that mark the day. I should have been glad if the Senator, when he appeared in the Senate, had answered the expectation of many of his friends, and by a speech here have removed the doubt which his reported speeches in the last canvass of Illinois created. It was not with satisfaction, therefore, that I heard him here making declarations so inconsistent with what I consider the constitutional rights of those whom I represent; so inconsistent, as I know them to be, with the sentiments, the settled opinion of that people. Much more grateful had it been to me if, by a speech delivered in the Senate, he had corrected the opinion which I entertained of the speeches he had made in the State of Illinois during his canvass. He has confirmed me, however, in the belief that he is now as full of heresy as he once was of adherence to the doctrine of popular sovereignty, correctly construed; that he has gone back to his first love of squatter sovereignty, a thing offensive to every idea of conservatism and sound government; a thing offensive to every idea of the supremacy of the laws of the United States, and destructive of every prospect to preserve peace, secure good government in the Territories, and point the way to the formation of States fit to be members of the Union.

Mr. DAVIS. The Senator did not at last answer my question.

Mr. DOUGLAS. Put it, and I will answer it.

Mr. DAVIS. I asked the Senator, distinctly, whether, when this controverted question had been referred to the Supreme Court, and decided by it, and a right which Congress would not assert had been declared by the Supreme Court to be a constitutional right, he then would give that right the protection of congressional legislation? The Senator goes on to argue, at great length, as to the power of taxation and discrimination between the different kinds of property. He argues all the time for exemption and protection. That is not the point I am touching, at all. It was, whether the inhabitants of a Territory could,

by their legislation, deprive other joint owners of the Territory of the right to enjoy it? and when the Supreme Court pronounces their action unconstitutional, whether, then, we could rely upon those who stood with him to submit this question to the Supreme Court, to come forward and honestly maintain the right which the Supreme Court had affirmed?

Mr. DOUGLAS. I will answer the Senator. I am willing, for the purposes of this argument, to assume that the decision of the Supreme Court goes to the extent of the expression of opinion by Chief Justice Taney, that Congress could not prohibit a man from going into a Territory with a slave, and, therefore, that the Territorial Legislature could not prohibit his coming in; in other words, according to that doctrine, the right of transit there is clear, the right of entry is clear, the same as all other property; and you have the same right to hold them the same as other property, subject to such local laws as the Legislature may constitutionally enact. If those laws render it impracticable to hold your property, whether it be your horse or your slave, why, it is your misfortune; but you are on an equality with others, and you hold him subject to such local laws as may be constitutionally made. When the Supreme Court shall decide upon the constitutionality of the local laws, I am prepared to abide by the decision, whatever it may be, and have it executed in good faith, as in all other cases.

Mr. DAVIS. I do not ask for the discrimination on which the Senator is wasting his strength. I say the obligation is upon Congress, as the trustee of the owners of the Territory, to protect the citizen who goes to this joint property, in person and property; and that, if the Territorial Legislature does not protect him in his mules, it is the duty of Congress to compel that Territorial Legislature to perform its proper function, or to enact the laws which are needful in the premises.

Mr. DOUGLAS. Well, on that point, the Senator and I differ. If the Territorial Legislature will not pass such laws as will encourage mules, I will not force them to have them.

Mr. DAVIS. That is not the question, because the Senator constantly goes to the position of a people holding territory as their own and administering it. I am considering the question of a territory belonging to a State where there may be but one hundred inhabitants who will band together to exclude all joint owners of the property by such laws as will not allow them to come in; when this is the property of the people of the State, and Congress is the trustee of the people of the State, I say that Congress is bound, in every form in which it can be considered,

to see that the joint owners of the property, who have intrusted it to their safe-keeping, shall have the full and adequate protection which is necessary to its enjoyment.

Mr. DOUGLAS. One word about this joint property. The property is the joint property of the United States until it is sold; but the moment a man goes and settles on a quarter section, and puts up his house, and establishes his preëmption, it belongs to him and not the United States, after that.

Mr. DAVIS. Not the adjoining quarter section.

Mr. DOUGLAS. But the one he is on, and hence you find every inhabitant becomes the owner of the land on which he settles. The property that is the joint property of the United States is that on which your people do not live, but does not happen to be that on which they do live. Then again, I apprehend the citizens that have gone there to settle are not the property of the United States. They are American freemen, and ought to be permitted to enjoy all those great rights of self-government which underlie our free institutions. If the Constitution does not enjoin upon you to give them the benefits of self-government in the Territory, I would confer it upon them, to the extent of my power. Although the people of the Territory are not a sovereign power authorized to put a constitution in force, without the assent of Congress, yet they are recognized as a distinct people, a body-politic, by the law organizing them, and they ought to have self-government; they ought to be allowed to manage their own affairs to suit themselves, and if technically they have not got it, they ought to have it. If they are, in fact, only inchoate States, give them those rights that will qualify them to become sovereign, independent States to come into the Union, and put no other restriction on them than the Constitution of the United States imposes.

When a man goes into the Territory of Kansas from Mississippi, he is no longer a Mississippian; he is a citizen of Kansas, and then he has acquired the right to vote, to make his own law. The people of Mississippi are not to be governed by his law, nor is he to be governed by them; but you say that he and his associates make such laws as you do not like in Mississippi. Who cares whether you like them or not in Mississippi? They were not made for you; they were made for the people of Kansas. It may so happen that the people of Kansas may make such laws as they like, and the people of Mississippi may not like them, and now you are to call upon Congress to abolish the laws which the people of Kansas made for themselves, and do like, and to establish a set of laws that they do not want, but

which Mississippi does. Now, with all due respect, permit me to say I do not think that is according to the principles of self-government. I do not think that it is consistent with the doctrines of congressional non-intervention; I do not believe the people of Mississippi are injured, if their inhabitants go there and make such laws as they want in common with the citizens of other States. They will have slavery if it is for their good, and not without, and slavery cannot be forced on them against their will. Hence neither your interests nor your rights are violated by this doctrine, but the rights and interests of the people of the Territory, those who make the laws, those who are to be bound by them, those whose fortunes and families depend upon them may be seriously violated by congressional intervention. But I beg pardon of the Senate for occupying so much time. I hope I shall not be compelled to continue the discussion.

Mr. BRODERICK obtained the floor.

Mr. DAVIS. The Senator did not answer my question.

Mr. DOUGLAS. I will answer it right here. I will not vote to intervene by a law of any kind by Congress.

Mr. STUART. I call Senators to order; the Senator from California has the floor.

Mr. DAVIS. I was not aware of it. I will, of course, yield.

Mr. BRODERICK. I will yield to you, sir, with the understanding that it be given to me again.

Mr. DAVIS. I shall be very brief. The Senator from Illinois did not answer my question.

Mr. DOUGLAS. I repeat, I will vote against any law by Congress attempting to interfere with a regulation made by the Territories, with respect to any kind of property whatever, whether horses, mules, negroes, or anything else.

Mr. DAVIS. Then, as I understand the Senator, if he intended to answer me at all, it is that he offers to us the proposition that the constitutional rights shall be submitted to the Supreme Court, and now announces that, whatever may be the decision of the Supreme Court, he will not legislate for the protection of the rights thus guarantied. As he would not answer my question, I now answer his: I have never claimed that the people of a Territory, if he will so call them, were to legislate for the benefit of the people in the States; but I have claimed that they have no right so to legislate as to appropriate to themselves the public domain, because they occupy a small part of it, and exclude other citizens from coming there to equally enjoy it. I claim that the foreigners who, under the mad legislation of Congress, have been invited to seize upon our

public domain, and who have congregated with all their false notions in Utah, have no right now, by their laws, to exclude a citizen of the United States in that Territory. If that Territory had been desirable, the question is one which long since would have been made. Otherwise, I hold that the few Canadians who lived in the State which the Senator represents, at a very early period, had no right to proclaim themselves the sovereign possessors of the territory, and to exclude the people of the United States from coming to enjoy its fertile plains. A handful of men, nowhere, finding themselves upon the territory of the United States, can have the right to enact such laws as will exclude the joint owners from its equal possession. The one hundred and sixty acres of land upon which the emigrant may go, he may hold as his own; and on their one hundred and sixty acres the immigrants may make such rules and regulations and laws as may be needful for their own protection and government, in the absence of congressional legislation. Clearly, sir, they are limited and restricted to the point of their own necessity. They have no right to legislate so as to affect the rights of other owners of the Territory who are not within its limits.

When Congress, however, organizes a government, then I say this whole question of squatter-sovereignty passes away. The sovereignty of the State acting through their agent to Congress, then supplants the squatter sovereignty that might have existed without any law. Henceforth, legislation must not only be in subordination to the Constitution, in subordination to the will of Congress, who alone represent the owners of the Territory. Congress would make a gross departure from every liberal principle if they were to interfere with such domestic regulations as the good of the people of the Territory might require; but the Territorial Legislature are limited clearly, by every principle of equity, to such legislation as their own condition requires, and have no right so to legislate as to exclude other people of the United States; and no plea, no attempt to appeal to prejudice against a particular kind of property will ever make this doctrine stand before the honest men of the United States, be their personal opinions what they may. I would go into New England to-morrow and venture before the people, assembled *en masse,* this right of the citizens of the United States to go into a Territory, and, save here and there, where some man sought to obtain office upon prejudice, I should expect to get a verdict in favor of their brethren, wherever they might be found. Sir, if we had the power to take the Territories, and to proclaim that no man should enjoy them who did not bring a slave with him, to

show what his future political opinion would be, I trust I have not a constituent who would not at once denounce it as a base interference with the equal rights of his brethren of the United States. Then, I ask, what is the difference if others seize possession of the Territory and say, that no man holding such property shall be allowed to come and enjoy it? The equity is the same.

But the point, and the only point to which I intend to bring the Senator was, whether, after having offered to us this proposition of allowing the Supreme Court to decide the constitutional right, he would stop at the point of decision, and leave us to the mere empty declaration of rights without any action on the part of the United States to protect and guaranty it?

Mr. DOUGLAS. The Senator perseveres——

Mr. IVERSON. I rise to a point of order. It is, that no Senator has a right to speak more than twice on any subject, without leave of the Senate.

Mr. DOUGLAS. That is, so long as any other gentleman wishes to speak. If the Senator from Georgia desires to speak, of course I will give way.

Remarks of Jefferson Davis on the post route bill.
Feb. 24, 1859.

The PRESIDING OFFICER. The motion of the Senator from Mississippi is in order, and precedes the motion of the Senator from New Hampshire. It will be read.

The Secretary read the amendment, which is to strike out the first seven sections of the substitute, and insert:

That from and after the 1st day of July next the franking privilege, except so far as it has been conferred by Congress as a personal privilege, be, and the same is hereby abolished.

And be it further enacted, That all laws, or parts of laws, requiring the prepayment of mailable matter be, and they are hereby, repealed.

And be it further enacted, That such persons as now have, by law, the franking privilege, shall hereafter be entitled to receive their mail matter free of postage.

Mr. PUGH. I ask for a division of that amendment.

Mr. HALE. I rise to a question of order. Before the Senator from Virginia made his motion, I moved to strike out the ninth section.

The PRESIDING OFFICER. The Senator from New Hampshire is correct in the statement; but the Chair is of opinion that it has been the practice of the Senate to take the question on the first sections of the bill first. Any modifications which gentlemen may propose by motions to the bill, are considered in the order of the sections of the bill, and, inasmuch as the motion of the Senator from New Hampshire was to strike out the ninth section, those modifications which affected previous parts of the bill, the Chair was of opinion, were first in order. The Senator from New Hampshire's motion to strike out the ninth section will come forward for action when that section is taken up in its order.

Mr. HALE. That is the practice when a bill is read by sections.

Mr. YULEE. The Chair is under a misapprehension of facts. The first motion to strike out was made by the Senator from Connecticut, [Mr. DIXON,] to strike out the first nine sections. Then there was moved by the Senator from Virginia the proposition to strike out the second section; and afterwards, by the Senator from New Hampshire, to strike out the ninth; and upon the same ground upon which the Chair ruled into precedence the motion of the Senator from Virginia, the Senator from New Hampshire is entitled to a vote of the Senate upon his motion to strike out the ninth section.

Mr. DAVIS. Clearly not.

Mr. YULEE. The ninth section relates to the five-cent rate.

Mr. HALE. Mine is a modification of the motion of the Senator from Connecticut.

Mr. DAVIS. It is quite clear that the point stated by the Senator from Florida does not apply to the decision of the Chair, which is, that we shall perfect the bill as we go along. A motion to strike out the ninth section is not interfered with by a motion to strike out the first seven sections, and to insert new matter. To strike out the second section was a proposition which had priority of consideration over that to strike out the seven sections. To strike out the ninth section seems to me one which properly comes after it, and may be affected by modifications of the sections which precede it. The priority of time is as stated by the Senator from New Hampshire. The priority of action, however, it strikes me, should follow the position in the bill.

The PRESIDING OFFICER. The Chair is of opinion that the modification moved by the amendment of the Senator from Mississippi precedes, in point of order, the motion of the Senator from New Hampshire; although, in point of time, the motion

of the Senator from New Hampshire was earlier. All these motions were subsequent to the motion of the Senator from Connecticut, which was, to strike out the whole of the first nine sections. It being clearly in order to perfect those first nine sections, before the motion to strike them out was taken, and the sense of the Senate has been taken and is being taken upon them, in the opinion of the Chair, the motion of the Senator from Mississippi is now the next motion in order. It has been read. Is the Senate ready for the question?

Mr. PUGH. Let us have a division of the amendment by sections. I am willing to vote for the first section, but I do not like the others.

The PRESIDING OFFICER. The Chair is under the impression that the motion of the Senator from Mississippi is not divisible. It is a motion to strike out and insert, which is one motion.

Mr. PUGH. I do not ask a division between striking out and inserting. It proposes to insert three sections. I want a division of those sections.

Mr. DAVIS. Let it be read. I think then the Senator from Ohio will understand it.

The Secretary read it.

Mr. DAVIS. The object is, first, to abolish the franking privilege, believing that great abuses have arisen from it; secondly, to allow members of Congress, and others holding like official positions, and who by law are now entitled to frank, still to receive mail matter free, upon the ground that people correspond with them for the benefit of the people; that the answer to each correspondent is for his benefit; and, therefore, the member should receive the letter free, and the person for whose interest he sends an answer should pay for it. To effect this, it is necessary to repeal the law which requires prepayment. In the ninth section, which proposed to increase the rates of postage, I think it might subsequently be modified, so as to give the advantage of prepayment to the present rate of postage, and those who did not prepay, to pay the higher rate of postage proposed. But it is needful not to require prepayment; otherwise, it devolves upon the member, necessarily, prepayment upon the letter which he writes in answer to some inquiry made in the interest of the individual who corresponds with him; which I should hold to be entirely unjust.

I am entirely opposed, however, to giving the members any money in lieu of the franking privilege now enjoyed. It is conferred upon them for the public and not for the individual

good. It should be used purely for the public good. To make a money commutation of it is at least to give the opportunity to lay the foundation of the charge that the money thus conferred has not been used for the public good.

I think it will have the effect of reducing the inordinate printing which has been described by the Senator from Georgia. I am not in favor, however, of entirely destroying the printing of Congress, the distribution by Congress of valuable works of information to be obtained by the people. I think they should go among the people, and that those who receive them should pay the charge of transporting them. It is surely a very severe reflection upon the wisdom with which we have conducted the public printing to say that we make books which will not pay the expense of transportation. If they are not to be sent through the mails, at least let them be transported by express carriage, and let those who receive books pay the charge upon them. I hold it to be altogether unjust, anti-Democratic, for a Senator, having some three thousand or ten thousand correspondents, to send to them all the advantages for which the whole people of his State must pay; that it is imposing a tax upon the many for the benefit of the favored few; that it is unsound in principle, and that the true remedy is to make those who receive the benefit bear the burden.

I think most of these books which have been printed by Congress would pay for their transportation, and that in a very short time we could reduce the rates of mail transportation so low that they could even be sent through the mail, relieving the Government of all charge for this excessive transportation; that in a short time we should derive a revenue to make the Post Office Department self-sustaining, and enabling us to make still further reduction in the rates of postage.

These are the benefits I hope to result from the amendments which I have proposed. I merely wish to say, in addition, that the reservation is in favor of those to whom the franking privilege has been conferred as a personal favor. I think it would be to say the least, discourteous after it has been conferred by special laws of Congress, to take it away; especially in such cases as the relict of an ex-President.

Mr. GWIN. I wish to make a simple suggestion to my friend from Mississippi. That I am very much in favor of his amendment, which includes three sections, with the exception of the second section, which abolishes prepayment. If he would withdraw that portion of it, it seems to me, he would strengthen his proposition. I am decidedly in favor of the first and third sec-

tions of the amendment, and shall vote for them. I think the other a very radical alteration.

Mr. DAVIS. I am perfectly willing to withdraw it, if you will just point out some other mode by which the machine will work if it is withdrawn.

Mr. GWIN. I merely allude to that portion of the amendment which abolishes prepayment. I think that the prepayment is a good system.

Mr. DAVIS. Let the question, then, be taken on each section separately. Perhaps some one will suggest an amendment.

Mr. GWIN. Very well.

Mr. YULEE. I hope the Senator will not insist upon so much of his amendment as refers to the abolition of the franking privilege. His purpose seems to be precisely the same which the committee had in view, and which the committee suppose they have accomplished; but with only this difference: that the committee have carefully and elaborately prepared the legislation necessary to give effect to that purpose, under the advice of the Post Office Department, while the proposition he makes is crude, general, and makes no provision for the changes under the condition of things created by it, or the changing of the principle of Government action.

Mr. DAVIS. Point it out.

Mr. YULEE. I will point it out in this: postmasters have the franking privilege. Twenty thousand postmasters in the United States have the franking privilege, unlimited except as to weight. Under his provision, postmasters will continue to receive letters free. Again, he proposes to abolish the franking privilege to the Departments, and yet makes no provision by which official letters, sent by the Department and to be received by them, shall be paid. How are they to move? Are you going to block the whole correspondence of the Government? The object of abolishing the franking privilege is accomplished by the carefully prepared first six sections of the bill. I hope, as the Senator concurs in that object, that he will leave it where it is. What if it be more verbose than is necessary, it can do no harm. It does nothing more than he seeks to accomplish.

Then, as to the section relating to prepayment, I take it, when we reach the ninth section, that subject will be more germane; and, it seems to me, it would be better if we took the question upon the franking privilege which is contained in the first six sections.

Then, in respect to the seventh section, which relates to star bids, there is a separate and distinct section there. When a

proposition, such as is made by the Senator from Mississippi, combining three objects, is proposed, by which a very large part of reform contemplated in the bill is prevented, I have no doubt the enemies of the bill will aid in striking out the seventh section and substituting his for the purpose of defeating, in the end, the whole thing. That will be the effect, not intended by the Senator undoubtedly, but an effect which would be prevented if we take the sense of the Senate distinctly upon each branch of the reform; first, the franking privilege contained in the first six sections, and if faulty, we can amend them; and then upon the seventh section in relation to the star bids and the rates of postage, including prepayment.

Mr. DAVIS. The Senator criticises my amendment as crude, and when I ask him to point out its crudeness, he shows himself utterly ignorant of the effect of my amendment.

Mr. YULEE. In using the word crude, perhaps I used a word stronger than I intended.

Mr. DAVIS. Then I will take that back and come to the point of the case.

Mr. YULEE. I meant an amendment prepared suddenly at his desk to the bill under consideration.

Mr. DAVIS. Before the honorable member was a Senator, I brought in a proposition quite like this. It is not hastily prepared, therefore, as he supposes.

Mr. YULEE. It happens that I was here before you.

Mr. DAVIS. Not you.

Mr. YULEE. I am mistaken then.

Mr. DAVIS. It is so many years that I will not argue it now. The proposition, however, which is proposed, is one not of sudden comprehension, nor is it so defective as the Senator from Florida imagines. In order to show its absurdity, he asks, though the head of the Department has the power still to receive mail matter, how are his answers to come? Strange, indeed, that the chairman of the Committee on the Post Office and Post Roads should have never learned that there were modes in which accounts were kept for the transportation of public correspondence, and that they were paid for by those who received them upon certificates of the fact of their being official in their character. Had he been as familiar with the operation of the Post Office as it existed a few years ago, as he seems to assume when he criticises so severely the amendment I offered, he surely would not, on this occasion, have been ignorant of the fact that an officer receiving public correspondence in many of the departments of the Government, has been required to keep accounts

and render them quarterly, of the amount paid for postage in that quarter.

Then he presents, as a great grievance, this matter of the postmasters. I hold it to be none at all. In the country which he represents, as well as in that where I reside, our local post offices are utterly worthless unless they give to them some such inducement. Instead of being an office which is sought, the difficulty is to get some one who will acept it, and is worthy of the confidence. It is an inducement in all the rural districts to induce men to retain the position of postmaster who are worthy to hold it. Strike out that inducement, and many of the local post offices in the south and southwest will be rendered so utterly valueless that you could get no respectable man to occupy it, unless the Congress then commenced a system of appropriations, and make each one a salaried officer.

Nor, sir, did I so entirely overlook, as he imagines, the operation of this seventh section. I am utterly opposed to it. I do not choose to give the advantages to those great routes which lie upon the railroads, and run between commercial cities to the exclusion of the villages, the hamlets, and the border settlements. I believe that the interest of the Government, as well as the individual, is promoted by keeping up these coach lines. It was exactly because I did not approve of the principle which that seventh section contained; because I chose to differ from the conclusions of the committee; because I did not choose to be in the interest of the great commercial cities, and against the rural districts, that I proposed to strike that seventh section out. In every one of these reforms it has been for a consideration sufficient to myself, which others will weigh and decide upon, I have no doubt, more wisely than myself; but which the Senator had no right to suppose were offered without looking at the consequences which were to follow in the train of that amendment, if it were adopted. I wish to maintain the frontier lines, and the frontier post offices. If that is not the object of this Government, I say, repeal your postal system entirely; or, if you will come to the old and densely-settled portions of the United States, and seek to frame the power of administering the post office establishment best suited to them, it would be found in surrendering the transportation of the mails to companies and individuals who would come forward as contractors to take it. You may start at Washington, you may go to the North or East, for every State which lies north and east of us, and they will there tell you that they would prefer to have the mails transported on private account. They can get it done very cheaply to

those who receive the mail matter. It is, as a Government measure, to answer the ends of the Government in remote and sparsely-settled regions, where the communications themselves do not bear the expense of transportation, that we keep up this great establishment. I think it a justifiable cause, and therefore I am opposed to this and every other feature of this bill, which is to strike down the mail facilities on the frontier, for the sake of——

Mr. YULEE. Will the Senator allow me to say a word?

Mr. DAVIS. Yes, sir.

Mr. YULEE. I did not say, nor intend to be understood, that the Senator had presented propositions which were crude in their consideration. I have no doubt that as long back as he says he has, he introduced a proposition looking to the same end. Nor did I say, or mean to be understood to say, that he had not contemplated the effect of the repeal of the seventh section. I was aware he had contemplated that; but I proposed to him that he should separate the subject-matters contained in his amendment; that we should be allowed first to vote upon those portions of the bill which relate to the abolishment of the franking privilege, and afterwards upon the other subject-matters, separately, comprehended in his proposition. Now, in respect to the franking privilege, I still adhere to what I said, that the provision which he makes, which contemplates going just as far as the bill itself, and no further, does not contain all the legislation which is necessary to carry into effect the purpose of the committee, or his own purpose, and that if the section proposed by him in substitution of the first five sections of the bill reported from the committee should be adopted, he will still be compelled to adopt a portion of the provisions stricken out in the first five sections of the bill. He provides that those who are now entitled to the franking privilege may receive their letters free:

And be it further enacted, That such persons as now have, by law, the franking privilege, shall hereafter be entitled to receive their mail matter free of postage.

Although he proposes they may receive mail matter free of postage, they cannot send it free of postage; nor can the post offices receive their matter as the law now stands, unless we pay it; and where is the appropriation for their payment? Out of what fund? The Departments have no fund out of which they can pay them.

Mr. DAVIS. Read the second section.

Mr. YULEE. Well, are you going to impose on individuals who have business with the Government the cost of postage?

Mr. DAVIS. Certainly.

Mr. YULEE. Certainly! Well, that would be a very curious operation of the system.

Mr. DAVIS. With the Senator's permission, I will answer the question—certainly. The man that has business with the Government, and writes to his representative to attend to that business for him, when his representative sends him back a letter, why ought he not to pay his postage?

Mr. YULEE. But, sir, I am not speaking of correspondence through the representative. I am speaking of the direct correspondence of the Government with those with whom it has business. Who is to pay for that? If the Government desires to make an inquiry from one not its officer, necessary to the public business; to maintain a correspondence with individuals upon subjects necessary to the execution of their official duty, who is to pay? How is it to be paid? Is there an appropriation or provision for it? That appropriation must be made. It has been made in the bill by authorizing the Secretary of the Treasury to pay quarterly whatever is necessary for public correspondence.

Mr. DAVIS. It is unnecessary. They pay postage now in many of the Departments with which I am familiar—pay it quarterly; and the same fund which pays it now, will pay it then.

Mr. YULEE. Do the Departments pay postage?

Mr. DAVIS. Clearly.

Mr. YULEE. For what?

Mr. DAVIS. I will tell you for what. An officer receives letters on public business. He answers them on public business; and he must put stamps upon the answers; and, in his quarterly account, says, so much for postage. There is not a quartermaster in the Army who must not present quarterly exactly such an account.

Mr. YULEE. Exactly. Those are officers at a distance; and it is allowed out of an appropriation made by Congress which they are disbursing; but I am speaking of the business of the Departments. How do you provide, under the section introduced by the Senator? He will perceive something further is necessary; and what further is necessary is provided in the bill reported from the committee. After all, the difference is altogether immaterial. It is a mere difference in the phraseology to accomplish the same end. The phraseology used by the com-

mittee is that which the Post Office Department, after carefully considering the matter, have reported best to accomplish the end. I have no objection if the same end can be accomplished by other words.

Then, in respect to the local postmasters, if the proposition of the Senator is adopted, local postmasters may receive, although they cannot send, mail matter free. Why receive, and not send, free? It is abandoning the principle of requiring a recompense to the Government for all the service which it does. If postmasters cannot be obtained in places that do not pay, let them do without post offices.

Mr. DAVIS. Aha!

Mr. YULEE. Yes, sir; I say do without them. This is no inducement, and it is a very great tax upon the Post Office Department. Most of the small offices outside of your large towns are held by storekeepers, who take the offices for the purpose of attracting custom, and making their stores the thoroughfare of the neighborhood; and they are the persons who make most of the correspondence from the neighborhood, and the tax is very large upon the Government; and they will continue to take the offices whether allowed the franking privilege or not, their motive being to make their place a public place. It will make but a partial retrenchment so far as the object of the committee is concerned, if you allow twenty-eight thousand officers scattered all over the country, most of them commercial, to use the Post Office free one way, if they do not two.

Mr. DIXON. Mr. President, the few observations that I have to make upon this bill, will relate mainly to the question of the rates of postage.

Mr. TOOMBS. I hope the Senator will defer his remarks until we get to that portion of the bill. We are not on that question. That is not the question under consideration.

Mr. WADE. Let us take the vote on this subject.

Mr. DIXON. I am willing to do that.

Mr. TOOMBS. We are not upon the subject on which the Senator wishes to speak. He can wait until we get at it. This is a very important matter, and we want a vote on it.

Mr. IVERSON. Is it in order to move to amend the amendment of the Senator from Mississippi?

The PRESIDING OFFICER, (Mr. FOSTER.) The motion of the Senator from Mississippi is an amendment to an amendment.

Mr. DAVIS. I will accept the modification.

Mr. IVERSON. The Senator accepts the modification which

I present. It is a modification of the second section of the amendment of the Senator from Mississippi, and that section is in these words:

And be it further enacted, That all laws and parts of laws requiring the prepayment of mailable matter be, and they are hereby, repealed.

I propose to add:

So far as relates to letters addressed to persons who are entitled to the franking privilege under the laws now in force.

The effect of the Senator's amendment would be, that prepayment would be abolished entirely. Now, I am not in favor of abolishing the system of prepayment. I think it has worked well, and ought to be continued; but it would be very well to abolish the practice of prepayment on letters addressed, for instance, to members of Congress, who, under existing laws, are entitled to the franking privilege. When a constituent writes to us on his business, the letter comes to the member of Congress free of postage. He is not required to prepay. The Senator writes to him, and then he has to pay. The Senator does not have to prepay, but the constituent pays the postage of the letter when he receives it. That will be the result of this amendment. I propose, therefore, to make it read

And be it further enacted, That all laws and parts of laws requiring the prepayment of mailable matter, be, and they are hereby, repealed, so far as relates to letters addressed to persons who are entitled to the franking privilege under existing laws.

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